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**Outlines of the political history of Mic**



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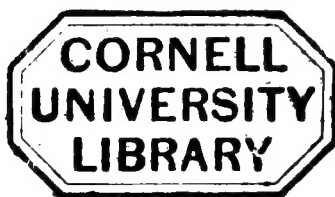
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## P R E F A C E.

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THIS work was originally intended as a sketch to be used for the purposes of the Centennial Committee of Michigan, and was prepared in more haste than was otherwise desirable. The time allowed for it was not sufficient to permit any very extended researches among original materials. Although, for some twenty years past, the writer has made occasional collections of such material, yet his work must be regarded as largely compiled from his predecessors, who have been so frequently relied on that this general acknowledgment is more appropriate than would be any attempt to credit them in particular places. He has drawn freely from the Lanmans, and Mrs. Sheldon, from the "Historical Sketches of Michigan," and from the local sketches of Judge Witherell and Mr R. E. Roberts, as well as from Parkman and the French authors — especially Charlevoix, La Hontan, Hennepin, Tonty and Joutel,—correcting them, so far as he could, by the French documents. In matters concerning the War of 1812, Mr. Lossing's "Field-Book" has been of much service. Upon that war there is no lack of authentic documents and histories.

Much, also, which has not been recorded by the historians, has been found scattered through early and modern biographies, books of travel, and other less pretentious works, as well as in newspapers and private

writings ; and many interesting facts appear incidentally in public documents and land books and other local records. The early recording officers placed on record a great many private papers which were not muniments of title, but related to family matters.

A long residence in Detroit has given some opportunities for procuring information from living sources, and for observing things which were not without value for reference. It has also enabled the writer to understand and explain some things which could hardly be comprehended from writings alone. Many gentlemen have busied themselves with gathering and preserving historical material, and have accumulated much that, with sufficient time and labor, will be some day made a very valuable addition to the annals of Michigan and the Northwest. Besides the numerous documents preserved by the Historical Society, and the narratives and sketches gathered by the Pioneer Society, it is not improper to mention Hon. C. C. Trowbridge, Hon. Charles I. Walker, Robert E. Roberts, Esq., Bela Hubbard, Esq., and Hon. Levi Bishop, as active workers in this field. It is to be hoped that the results of Judge Walker's diligent researches will be given to the public in a durable form. To all these gentlemen, as well as to Hon. E. A. Brush, and many other personal friends, who have aided him by information and suggestions, the writer records his acknowledgments.

He trusts that his imperfect sketch will not be without some value, as a contribution upon a subject which, as yet, has been very far from receiving exhaustive treatment from any one.

DETROIT, *May* 1, 1876.

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NOTE TO PAGE 418. — The writer was misled in regard to Mr. De Tocqueville, by a friend's hasty reference, which he discovered, (too late for correction in the text,) arose from a misapprehension. The Memoir of De Tocqueville refers to the first anniversary of the Revolution of July, which he spent in the Michigan woods in the next year, 1831, and not to the Revolution itself. He was in France in 1830. The very lively emotion shown in the reference was retrospective.

OUTLINES  
OF THE  
POLITICAL HISTORY OF MICHIGAN.





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CHAPTER I.

PRELIMINARY.

THE political history of Michigan, as a community governed by its own laws, dates back but half a century. In the summer of 1824 the first Legislative Council met, composed of nine members, selected by the President and confirmed by the Senate of the United States out of eighteen persons chosen by the voters of Michigan Territory. In 1827, for the first time a Council of thirteen sat, who were chosen directly by popular vote. Since that time the affairs of the people have been controlled by their own representatives, subject, during the territorial stage, to a veto of the Governor appointed by the United States, and to revision by Congress; and since the organization of the State to a qualified veto by their own Governor.

If that only is political history which covers the life of the people as a political commonwealth, it would be safe to begin at the period of enfranchisement, and to confine our attention to the fortunes of this region since that time. The whole population of European descent was then less than twenty thousand. The cultivated lands, if placed together, would not have covered a single county. For about half the year there was no intercourse with the outer world. The completion of the Erie Canal was opening the way for that great course of emigration which has since brought into the West more people than were at that time to be found in all the Northern States; and for some years thereafter a large share of those who left New York and New England to find new homes in the Northwest settled in Michigan. Several of our flourishing towns were founded then or soon after.

The times were notable for other reasons. Some disputed questions of boundary and indemnity under treaties with Great Britain had just been determined, and the line between the British and American islands in the dividing waters of this frontier had been ascertained, so that the limits of our jurisdiction were fixed for the first time.

The completed half century of the republic found us in treaty relations with the Empire of Russia, and with the new American Republics of North and South America, which our example

had led to independence. The first combined arrangements had been made with Great Britain for checking the slave trade, which the completion of the century finds practically abolished. The history of Michigan, from that period, is one of very rapid progress, and the last fifty years have been remarkable years for the whole civilized world.

But the earliest days of the life of any people must always have some influence on the future, and usually one which determines in no small degree the character of popular institutions and progress. The institutions of the United States are mostly natural developments from those of the earliest settlements; and those, again, were modifications of the older British customs, which have been vigorous and adaptable since times more distant than any of which we have complete histories.

The settlements in Michigan were made very early, and the Canadian annals, to which our first history belongs, date back of most of those of the English colonies. The beginnings of Canadian colonization appeared more promising than those of New England or Virginia. None of the thirteen commonwealths that declared their independence had ever been watched by Great Britain with that solicitude which was spent on the French provinces by their home government, or which has been bestowed on Canada since the other British possessions separated from it.

If the commonwealths within the United States prospered under neglect, and their neighbors suffered from too much home attention, perhaps the experience of a region which has been through both experiences may not be altogether without value as an example of what may be followed, and what may be shunned.

The leading features of the colonial history of Michigan, so far as they show its experience in matters of government, may be given briefly. No sketch would be complete without them. The purposes of this outline will not allow an extended narrative of those romantic adventures which add so much life to the annals of this region. Historians have loved to dwell upon them, and under the hands of such artists as Parkman they have assumed the shape and color of present reality. The older writers have preserved many brilliant sketches of the remarkable events of their times. Hennepin, always graphic, if not always reliable, was one of the first, if not the very first, who gave a minute description of the country about the great lakes, and who detailed the beginnings of La Salle's discoveries more faithfully than their sequel. La Hontan, who has also been charged with exaggeration in some things, and with some sheer inventions, is nevertheless fully corroborated by other witnesses, in a great part of his personal narrative, so far as it concerns our affairs. Charlevoix, who was historian as well as traveller, has left works of sterling



merit and great interest, and his style is very attractive. He too has left much unsaid, and has, probably without sinister intentions, colored his picture according to the strong prejudices of his order.

The discoveries made among the old records of the Department of the Marine, and in family and other collections, have rendered much of the old histories very unreliable. These papers, which are now coming to the light, show a very strange condition of affairs. There seems never to have been a time when harmony prevailed among all the influential persons or authorities. The Governor was frequently and perhaps generally at war with the Intendant, upon questions of vital policy. The ecclesiastics were opposed to the views of the civil officers, and the religious orders were arrayed secretly or openly against each other. Official letters written in one sense were qualified by private despatches in another. Every leading man had spies upon his conduct, who were themselves watched by other spies. The whole truth seldom reached France from any source; and the only means of redress open to many of the leading spirits of the colony against those who persistently thwarted the Royal intentions in their favor, was a personal appeal to the King or his ministers in the mother country. As it was shrewdly remarked by one of the ministers, the King's orders lost their force when they crossed the Bank.

This is readily understood, when it is known that the first public printing press in Canada was set up after the English conquest, about 1764; and no such thing as public opinion was known as an influence in the affairs of government. News could only get abroad as rumor or gossip.

The only books which criticised the conduct of the church or state authorities, or which vindicated the reputation of those who were out of favor were published abroad. No writer could publish in France any account which was not satisfactory, as the press was rigidly watched. The writings of Hennepin and La Hontan, printed in Holland, were assailed and denounced as the work of renegades and traitors, and generally discredited, without discriminating between what was claimed to be invention and the rest. Many of the most important documents, which in any other country would have been made public, never saw the light until our time.

The eminent author of the *Commentary on the Marine Ordinance of Louis XIV.*, M. Valin, complains of the labor of delving in the chaos of edicts and public documents in the office of the Admiralty, relating to maritime affairs, which he speaks of as a prodigious multitude. The collection of public reports and private letters relating to colonial affairs, from civil and ecclesiastical officers and from persons of all occupations, gathered together from all parts of the world, during a regime when every one was suspected, and

when colonial gossip was as keenly scrutinised as colonial business, must be enormous. The Dominion of Canada has drawn largely upon these deposits, and the State of New York has published a valuable selection from them. Further excerpts have been secured at different times by General Cass and others. We may hope that when this material has been thoroughly sifted our early history may be made complete.

## CHAPTER II.

### EARLY EXPLORATIONS.

THE State of Michigan is a part of the territory colonised by the French, and held under the government of New France and Louisiana. It was never properly a part of Louisiana as a separate province, although in some of the ancient maps it appears to have been included in that region. Its affairs were always under the supervision of the authorities in what was afterwards known as Lower Canada, until the British conquest of 1760–1763, after which it remained under military control, until by an act of Parliament passed in 1774 it was annexed to the province of Quebec. From its first discovery until the close of the French supremacy its history is a part of the history of Canada, and most of its French inhabitants were Canadians by birth or connections.

This dependence on Canada was a principal cause why Michigan was not settled earlier, and why after settlements were begun they were not allowed to be multiplied. It was early known that the lands were exceptionally good, and that farming could be made very profitable. But the colonial policy adhered to for a long period did not encourage the pursuit of agriculture. A wil-

derness was more precious in the eyes of the authorities at Quebec than fields and farms. The change in sentiment, if it ever came, came too late, and one prominent cause for the loss of the American possessions of France, was lack of people.

It is impossible to determine, with any precision, at what time this country was first discovered by the French. It must have been visited by travellers or roving traders long before its settlement. The fur trade, and especially the trade in beavers, was the chief and earliest branch of commerce in the colony, and began with its beginnings. The Lake country was considered by Indians and whites as the chief source of supply for beavers, and for most of the more valuable furs and peltries. Long before the Iroquois extended their incursions so far to the west, the peninsula of Upper Canada was a favorite seat of the Ouendats or Hurons,<sup>1</sup> who were more civilized and less nomadic than any of their western neighbors. The undefined region called the *Saghinan*, or Saginaw country, which seems to have been sometimes spoken of as identical with the Lower Peninsula of Michigan, was famous for its wealth in beasts of the chase; and de-

<sup>1</sup> The term *Huron* is French, and was given to these Indians because of the appearance of their hair, which was rough and ridged like the bristles of a wild boar—"hure." *Cheveux Relevés* was another name of the same meaning—i. e. with hair standing up—applied by Champlain as is supposed to the Ottawas. The name of the Hurons used among themselves was Ouendât, anglicised into Wyandot. *Huron* was an old name for miners.—<sup>2</sup> *Mezeray*, 148.

“scriptions of it reached the first visitors at Montreal and were heard by Jaques Cartier.

It is possible that the wandering traders may have had temporary stations on the borders, but the earliest establishments of which we have any unquestioned record were the missions. There are vague references to companies of French passing up and down the strait now known as the Detroit River; and there seems much reason to believe that a village of Hurons existed at or near the present site of Detroit very early in the seventeenth century. There is nothing to indicate that at that period the passage was dangerous. The Huron villages, if the accounts of early travellers are correct, were not much, if any, inferior in their defensive arrangements, or in their habitations, to some of the first trading posts and missions. That people, both in language and in habits, showed evidences of aptitude for civilization beyond the ordinary savages. The earliest missions in the neighborhood of Michigan are supposed to have been those of the Récollêt Fathers in Upper Canada, near and on Lake Huron and its affluents, which were founded during the time of Champlain, who is reported, but perhaps on doubtful authority, to have passed through the strait on one of his journeys, and is claimed by the official memoirs to have discovered this region in 1612.<sup>1</sup>

<sup>1</sup> Champlain's maps show that he knew the connection between Lake Huron and the lower lakes, though not depicting it with geographical accuracy.

Whether any of the missionaries visited this immediate neighborhood during their residence among the Hurons at Georgian Bay is not known. But there is every reason to believe they had a mission of some consequence on the eastern side of Lake Huron, near its outlet and not far north from Port Sarnia.

When the Iroquois overran the Huron country all vestiges of the European settlements disappeared. The Lower Peninsula of Michigan having been mostly unoccupied by tribal settlements, there was very little to invite invasion. In their western excursions the Iroquois appear on some occasions to have reached the southern borders of Lake Michigan. But there is no evidence that they ever dwelt in the lake region of Michigan; and if they ever traversed it, they retained no hold on it. It was never actually possessed by any but the northern and western tribes, who were independent nations, and owed no fealty, and acknowledged none, to the Iroquois or their allies.

Missions were founded by the Jesuits on the northern and southern borders of the Upper Peninsula of Michigan. Raymbault and Jogues visited the Sault de Ste. Marie in 1641, but do not seem to have made any establishment, having returned to their mission at Penetanguishine the same year. In 1660 Mesnard coasted along the south shore of Lake Superior as far as the head of Keweenaw Bay, known as L'Anse. Having

wintered there alone among the Indians, he went westward in the spring, passing through Portage Lake, and intending, after crossing the narrow strip of land known as the Portage, (which has been recently opened to navigation by a ship canal,) to continue his journey to Chegoimegon Bay. This is the bay lying south of the Apostle Islands, on one of which, at La Pointe, is a very old settlement and mission. Mesnard had but a single Indian with him, and while this companion was removing the canoe and its contents across the Portage, the missionary, who was an elderly man and quite feeble, strayed into the woods, and disappeared. How he could have been lost beyond the power of an Indian to discover his trail, we are not informed. It is very likely he was deserted, or worse, by a treacherous guide. There is, however, a tradition that he was killed by the Sioux. In October, 1665, Father Allouez established the Mission of Chegoimegon, or La Pointe, which had been the destination of Mesnard. The mission at the Sault de Ste. Marie was founded by Marquette in 1668. The same year or the next a mission was founded on the Island of Michilimackinac, but removed very soon, and as early as 1669 or 1670, to Pointe St. Ignace on the main land north of the Straits of Mackinaw and west of the Island. This place was occupied for many years. The establishment was afterwards, (but when is not precisely known from published authorities,) transferred to the northern



point of the Lower Peninsula of Michigan, not far from Cheboygan. In Charlevoix's time (1721) the transfer had been made several years, and the old mission was abandoned and had fallen into decay. In Bellin's map of 1744 it is marked as destroyed. The determination of its precise location has been attended with some difficulty. It derives interest from the fact that the remains of Père Marquette, some years after his death, were removed by the Indians from the place of his first burial, and interred at the church on Pointe St. Ignace.<sup>1</sup>

The missions at the Sault de Ste. Marie and Michilimackinac are regarded as the first completely ascertained settlements within the present State of Michigan. There is, at least, undeniable evidence when these missions were founded. Both places were important centres of influence. But while they may be assumed as the pioneer settlements, until further facts are established, there are some things which deserve reference as indicating a possibility to the contrary.

In 1687, upon a controversy between the Governor General of Canada (Denonville) and Gov. Dongan of New York, the former and his agents asserted a French occupancy at Mackinaw for more than sixty years, and French occupation on the lower waters of Michigan from twenty-five

<sup>1</sup> Marquette died on his way to Mackinaw, at the Père Marquette River, where the town of Ludington is now situated, and was buried there, until disinterred as above mentioned.

to forty years. Gov. Dongan would not admit this, but was not disposed to admit of any previous actual possession at all. Without some definite evidence, such statements can only be regarded as having more or less probability. At the same time it is to be considered that except from missions and military posts no official reports were likely to be received; and that the missionary Relations, except where there was some controversy or difficulty, were not required to refer to the settlements for other purposes, and often ignored them entirely. The existence of defensive posts appears very frequently, in such casual references in public documents and letters as are conclusive, when the same places are not mentioned by historians nor always by travellers.

The monopoly of the fur trade, and the severe provisions against irregular trading had given occasion for a great amount of contraband enterprise. The men who engaged in this were an adventurous class of active and bold rovers called by the French *coureurs de bois*, translated by the English in official papers into "bushlopers," "bush-rangers" and "wood runners." Many of these were of the lower classes and dropped readily into the ways of the Indians, adopting their habits and becoming adherents to the tribes. But there were many also, of respectable connections, who betook themselves to a wandering life of hunting and trading, partly from love of adventure, and

partly because they could find no other means of livelihood. There is no reason to regard them as a despicable or essentially vicious race. The men who have been driven to the forest by feudal oppressions and monopolies have usually been possessed of many useful qualities, which a better government could have turned to great advantage. The outlaws of English and Scottish traditions have generally been popular for good fellowship and sympathy with the poor. They are seldom marked by cruelty or treachery. The adventurers from the English colonies and American States, who have sought refuge in the woods and have been the pioneers of discovery in the remote regions, were not compelled to go except by their own tastes, and have generally been quite as honest in their dealings as any of their more favored brethren, and have, as they deserve, a very good reputation for many manly virtues. The *coureurs de bois* were seldom, if ever, found guilty of any treachery to the government, which had no claim upon their respect beyond the fact that they were of French blood; and this claim they recognized with pride. The atrocious monopolies and exactions which were ultimately chief incentives to the first French Revolution, led to a recognition by respectable men of the fact that the offenders against such tyrannical regulations were not necessarily malefactors. Accordingly no lines were drawn between those who sought the woods from love of adventure, and those who

went from necessity, and to save themselves from starving. This was practically admitted by the government itself. In 1713, when the colonial government had begun to realize the value of population, Mons. de Vaudreuil the Governor General wrote very urgently to France to obtain one hundred and fifty *faux-saulniers* (or contraband salt makers) who were sent to the galleys for interfering with the salt monopolies of the Farmers General; these would not consent to their going at large in France, but the offenders were not spoken of as in any respect undesirable colonists.<sup>1</sup>

In 1717 eighty of these faux-saulniers were sent to begin the town of New Orleans.<sup>2</sup>

These bushrangers were the pioneers of French enterprise and discovery; and in all the military movements in the remote regions, as well as nearer the sea, they were the chief reliance of the government. Their intimacy with the tribes led to a great ascendancy in the Indian councils, and the attachment of the savages for these men who were familiar guests in their wigwams, and often married into the tribes, led to alliances in war. The British governors and agents attributed the whole military success of the French colonies to the bushrangers. In 1700, Robert Livingston in an official report declares, that "we can never run counter the French, unless we have bushlopers as

<sup>1</sup> 2 Charlevoix, 403.

<sup>2</sup> 2 Charlevoix, 434.

well as they.”<sup>1</sup> And Pownall in his elaborate report to the Congress of Albany in 1754, points out very forcibly the advantages of the French military settlements for colonizing purposes on the borders.<sup>2</sup>

The numbers of these bushrangers were great, and they frequently consorted in large companies. There is every reason to believe that they went into the wilderness and formed temporary or permanent trading posts much earlier than the date of any of the recognized establishments. And while the existence of these posts was doubtless known to the governors and colonial authorities, they were unlawful settlements and obtained no place in the annals of the colony.

In all expeditions towards the unsettled regions, these men formed a necessary part. The fur companies from the earliest days to our own time were obliged to employ their services, and their hardy endurance and untiring good nature are familiar to every one whose memory takes in any reminiscences of the northwestern fur trade. The Jesuit missionaries, however, seem to have held them in great abhorrence. They were no doubt somewhat indisposed to extreme subservience to the clergy, while the claims of the Jesuits went far beyond what was allowed to be their due by the French government or its local representatives. Their roving habits led in many

<sup>1</sup> 4 N. Y. Doc., 650.

<sup>2</sup> 6 N. Y. Doc., 893.

cases to conduct which was very censurable, and interfered with the success of the missions. But it is impossible to believe that these men were as bad as their enemies have painted them; and in judging them we must not forget that those who opposed them most strenuously were opposed also to the policy of extending French settlements at all. The motives of their opponents have been discussed very sharply by most of the writers who have succeeded them, and the documents in the Marine Department have shown beyond controversy that the French government found some of its most serious difficulties in dealing with an order whose devotion and courage deserve high eulogiums, but who did not make the interests of France or Canada their primary consideration. But at the same time that as a body the Jesuit missionaries did not desire French settlements in the Northwest, we are indebted to some of them, of whom Marquette is a noble example, for great services in exploring the country, and accurate geographical information. They were second to none in their contributions to geographical knowledge in both hemispheres; and as remarkable for courage and perseverance as for scientific research. Whatever may have been the truth in regard to the reasons which led them to act as they did, there is no ground for suspecting them of individual selfishness. Their zeal for their order was unbounded, but they were devoted and unselfish in obeying it.

We may assume, whatever may have been the previous acquaintance of the French with this region, that the Michigan settlements began with those at Michilimackinac and the Sault de Ste. Marie. The creation of military posts and civil settlements at these places was almost contemporaneous with the missions, and began the policy which, although opposed and hindered, was at length to prevail. Had this policy of settlement begun earlier and continued unopposed, the destiny of Canada might have been changed.

## CHAPTER III.

### PREPARATIONS FOR WESTERN OCCUPATION.

THE movements for the settlement of the Northwest began in earnest about the year 1670. Louis XIV. had developed into a king of boundless ambition, and had a natural anxiety to extend his dominions into remote regions. China and the East Indies were at that time looked upon as mines of wealth, open to any European monarch with courage and enterprise enough to reach out for them. The reports which had come in various forms from the Northwest brought rumors of short and easy ways through the American woods and rivers to the South Sea, and it was believed the rich countries of the east were within no very long distance across the continent. Louis and his ministers determined to open and control this passage; and the extension of Canadian settlements was in their view a necessary step to that end. The royal designs had always favored settlements, but it was very difficult to know what course was best, when secret intrigues and conflicting interests kept up a series of contradictory representations.

The governors, who were generally anxious to extend the colony, were entangled in all man-



ner of snares, and were misrepresented and opposed by those who would find no profit in the extended jurisdiction of civil government. And the first efforts to extend the royal dominions resulted only in the establishment of a few military posts. But the explorations had a permanent value.

In 1669 or 1670, Talon, then Intendant of New France, sent, or claimed the credit of sending out, two parties to discover the South Sea passage. It was supposed for some time that the short route from Lake Superior to Hudson's Bay was all that lay between the colony and the South Sea. This notion prevailed in Champlain's time; and while further experience had created doubts concerning the precise way, it was still thought the upper lake road was likely to be the true one. De St. Lusson was accordingly despatched in that direction, and Robert Cavelier, Sieur de La Salle, was ordered to the southward.

St. Lusson pursued his journey energetically, and on his return in 1671, he held a council of all the northern tribes at the Sault de Ste. Marie, where they formed an alliance with the French, and acknowledged their supremacy.<sup>1</sup>

From that time forward it would appear that there was a military post kept up beside the mission, and the traders made it a rallying point.

<sup>1</sup> He supposed that he had been within 300 leagues from the Vermilion or South Sea and the Western Sea, where there was but 1500 leagues more of navigation to Tartary, China and Japan.—9 *N. Y. Doc.*, 72.

The French in their early dealings with the Indians, and especially with the Iroquois, had done very much like the English, and made no attempt to conciliate them. But they discovered the mistake, and by resorting to friendly methods very soon conciliated most of their savage neighbors. The chiefs and people were treated courteously, and without that haughty arrogance which has too often attended the dealing of the whites with the natives. The French settlers received and dealt with them on relations of equality, and they lived together on the kindest terms. It has been noticed by all who are familiar with frontier life that the social relations of the French and Indians are exceptionally pleasant. The young men were at home among the tribes, and often spent months with them, hunting and roving. The wigwam fare contented them, and they lived as their hosts lived. They were often formally adopted as chiefs, and acted as friends of the tribe whenever it was necessary to intervene on their behalf. It was also very common for the kindly French woman to receive the young girls into her house, and teach them household industry. The removal of the Indians from Michigan has broken up these ancient ties, but it was once a pleasant as well as familiar sight to witness the delight with which the old chiefs and their French brothers met, after a long separation, and exchanged their experiences.

The alliance formed under the direction of

St. Lusson was the primary means of closing the Northwest against the English until after the conquest.

La Salle, who was afterwards to become more famous than St. Lusson, did not at this time complete his explorations. There were joined with him in his expedition two seminary priests, Dollier de Casson and Galinée. Dollier was a man of great personal strength, and an old officer of cavalry under Turenne. Galinée was especially skilled in surveying, and was to act as geographer. They all kept together until, after waiting in the country of the Senecas for a guide, they changed their plans and went to the head of Lake Ontario, where they met Louis Joliet. He had come down from the upper lakes, and recommended them to take that course instead of going to the Ohio. Dollier and his companion concluded to do this, and La Salle remained behind. They spent the winter at Long Point on the north shore of Lake Erie, and in the spring set out again, but having lost most of their baggage by a storm at Pointe Pelée, they concluded to return to Montreal. They passed up the Detroit River, and near the present city of Detroit found a rude stone idol of repute as a manitou, and worshipped by the Indians. These objects of superstition seem to have been found in several places about the lakes, and received offerings of tobacco and other articles. The nearest one above Detroit was the White Rock in Lake Huron, which Mr.

Schoolcraft passed on his journey in 1820 with Gen. Cass's expedition towards the source of the Mississippi.<sup>1</sup> The zealous missionaries relate that after their recent misfortunes there was no one in the party who was not filled with hatred against the false divinity. They broke the idol in pieces with one of their axes, and contrived, by joining two canoes, to take the largest fragment into deep water with the remainder, and so disposed of the abomination.

This is said by Mr. Parkman to be the first passage through Detroit River of which a record has been preserved, although not the first in fact.<sup>2</sup> The same reliable writer has discovered evidence of the continued labors of La Salle during the next few years, of which no full account has been published, which indicates that he was not without success in his preliminary work. But the Report of Courcelles in 1671 shows an accurate knowledge of the geography of all the lakes but Lake Michigan, which must have come from earlier explorations, and which was not much improved upon by subsequent travellers.<sup>3</sup>

<sup>1</sup> Mr. Schoolcraft in that expedition remarked that he did not see any offerings except of articles of no value, and questioned the extent of the reverence paid the images. Joutel in his journey says the Indians feared death unless they made offerings, and Charlevoix speaks of offerings as acts of homage.—*Charlevoix, Letter 19, Joutel, (1 La Hist. Doc.) 182.* Henry gives several illustrations of these superstitions.—*Henry's Travels passim.*

<sup>2</sup> Discovery of the Great West, 16, 17.

<sup>3</sup> 9 N. Y. Doc., 81. Id., p. 21.

Meanwhile the posts of Michilimackinac and the Sault were becoming more important, as the traders extended their enterprises. About this time several names appear in history which are prominent among the great discoverers and leaders. Most of them were recognized chiefs of the *coureurs de bois*. And their place in our early annals is due to a course of affairs which was noteworthy.

The fur trade, as already mentioned, was regarded at Quebec and Montreal, as it was in the New York posts, as the chief end and aim of colonial enterprise. Every one, from the Governor down, was suspected, and perhaps justly, of having a part in it; and the principal struggle seems to have been between the monopolists and the irregular traders. The church revenues were increased by it, and widows and orphans were allowed privileges which they sold profitably. The result was that the country swarmed with the *coureurs de bois*, who were the indispensable agents of all parties legally or illegally engaged in the traffic. The missionaries were opposed to them, for the assigned reason that they demoralized the Indians whom they were laboring to convert. For the same reason they opposed the forming of posts and establishments on the frontier. The monopolists sometimes succeeded in getting such restrictions laid upon the post commanders as prevented them from dealing on their own account with the Indians for certain kinds of furs, and

when the trade was in the hands of the great companies, as it was a large part of the time, they had their own agents at the forts.

The result was that a contraband trade grew up, which it was asserted brought the furs into the hands of the English, and built up their commerce. Their emissaries were also said to be getting into friendly relations with the Western tribes, and drawing them into trade with the Iroquois and the New York agencies.

The influences which were brought to bear on the French government were secret but powerful, and the *coureurs de bois* were outlawed and proscribed unless they came in and ceased their wanderings. The Governor, with a patriotic desire to save the colony from the destruction which this would have inevitably brought upon it, succeeded in so far modifying this policy as to put them under some reasonable regulation, whereby he saved their services to the colony and secured the trade. The frontiers were reached by leaders of reputation, and posts were planted so judiciously as to shut out the English altogether. These men deserve special mention.

When the Marquis de Tracy came out as Vice Roy in 1665, it was with the expectation of using strong measures to suppress the Iroquois, who were aggressive and were regarded as dangerous neighbors. For this crusade against the Western infidels he brought out the famous Carignan Regiment, which had been first organized in Savoy,

and was afterwards turned over to the French King. It was a famous body of troops which had won its latest laurels in fighting against the Turks on the Austrian frontier. The officers were all gentlemen belonging to the noblesse, of French or Italian origin, and of tried valor. With this regiment another had been consolidated, known as that of Salières, and the whole force was thereafter known as the Carignan-Salières Regiment. The colonial levies were also under the command of officers of good birth, most of whom are still represented among the French families of Canada and the Northwest.

When the Iroquois war was over, the officers and men of the Carignan Regiment were mostly retained in the country. Many of the former obtained Seigneuries, and attempted to get a support from their new estates. But the early travellers give a sad account of the straits to which these veterans were exposed, in keeping the wolf from the door. They were brave and adventurous, and worthy to rank with those early heroes of discovery, Gilbert and Raleigh and Drake, who found in the favor of Queen Elizabeth incentives to enterprise which her successors could not appreciate. They were mostly devoted members of the Gallican Church, but not on as good terms with the Jesuits as with the other orders, who paid less attention to the Indians and more to their own countrymen. The French court and the Governors General appreciated the value

of soldiers. The civilians were more attentive to the interests of trade, and looked upon the bold adventurers, who "would rather hear the bird sing than the mouse squeak," as the Sheriff of Nottingham did on Robin Hood.

The sagacious ministers had determined to use this valuable material to extend discovery. The expeditions which Talon reports himself to have sent out were probably suggested, at least, from France. It is one of the curious facts connected with the colonial administration that the public documents are usually made to exhibit the local authorities as originating everything, when the facts brought to light from other sources, in the Marine Department and elsewhere, show that they were compelled to permit what they ostensibly directed. But, however this may be, it had become necessary to move in the matter, or run the risk of serious difficulty in the future.

On the second day of May, 1670, Charles II. issued letters patent incorporating "The Governor and Company of Adventurers of England, trading into Hudson's Bay," granting them the sole trade and commerce of the waters within the entrance of Hudson's Straits, except in the lands not granted to others nor possessed by any other Christian prince or state. The ignorance that prevailed on the subject of the boundaries between the two nations in those parts, and the certainty that future boundaries must depend much on actual control or occupancy, made it necessary to move



at once, or run a risk of losing command of the Northern trade.<sup>1</sup>

At this time New York was in possession of the Dutch, but a few years after, in 1674, this also passed into the hands of the English, who were disposed to make the most of their chances, and anxious to form such trading connections as would have hemmed in Canada, and shut off its whole western and northwestern traffic.

In 1672 Colbert advised Talon to offer a reward for the discovery of the South Sea. The King and Colbert united at or about the same time in a secret letter to Frontenac, which gives a curious illustration of the diplomacy of the period. Expressing warm commendation of the clergy of both orders for their devotion and services to religion, and commending them to high consideration, it advises the Governor, without creating any apparent rupture, to restrain the designs of the Jesuit Fathers in Quebec within proper bounds of respect for the temporal authority, and to encourage and protect the ecclesiastics of the Seminary of St. Sulpice at Montreal as well as the Récollêt Fathers, in Quebec, — “it being necessary to support the two ecclesiastical bodies, in order to counterbalance the authority

<sup>1</sup> In May, 1872, my valued friend, Hon. David Mills, M. P., presented to the Dominion Government an elaborate and thorough report on the boundaries of the Province and of the Hudson's Bay Company, which is of much historical value, and contains information not, so far as I know, made public in any other work.—See *A Report on the Boundaries of the Province of Ontario*. By David Mills, M. P. Toronto, 1873.

the Jesuit Fathers might assume to the prejudice of His Majesty."<sup>1</sup> The next effective action may not have originated in Quebec, but Frontenac and Talon, the Intendant, both appear to have favored it. In 1672, Grandfontaine, Governor of Acadia, sent Joliet to the Mascoutin country (Wisconsin) to discover the South Sea and the Mississippi River, which was supposed to discharge itself into the Gulf of California.<sup>2</sup> He was joined at Mackinaw by Father Marquette, and on the 17th of May, 1673, they left the Mission of St. Ignace on one of the most successful of the early explorations. They went up the Fox River and across the portage, to the Wisconsin, and thus reached the Mississippi on the 17th of June. In another month they reached below the 34th parallel of latitude in the country of the Akansas, and then returned, reaching Green Bay at the end of September. Joliet went on to Quebec in the next year, arriving there during the summer. The Governor reports him as having found continuous navigation excepting at Niagara, from Lake Ontario to the Gulf of Mexico, and as having discovered admirable countries.<sup>3</sup> Mr. Shea, in his excellent history of the Discovery of the Mississippi River, gives a copy of that portion of Frontenac's Report which refers to this journey in the original French, as it refutes one of Henne-

<sup>1</sup> 9 N. Y. Doc., 88.

<sup>2</sup> Frontenac's Letter to France. See 9 N. Y. Doc., 92.

<sup>3</sup> 9 N. Y. Doc., 121.

pin's assertions concerning Joliet's failure to report to the government.<sup>1</sup>

Joliet probably went eastward through the Detroit River and Lake Erie.

In 1675, a patent of nobility was granted to Robert Cavalier, Sieur de la Salle, for meritorious services.<sup>2</sup> Among the things which His Majesty regards as especially worthy of reward among his Canadian subjects, is "despising the greatest perils, in order to extend to the ends of this New World our name and our dominion." It is to be inferred that La Salle had spent some time, at least, in distant explorations which have not yet been published.

Meanwhile there is nothing of record bearing directly on the history of Michigan, beyond the occasional references to the missions and the traders. There is reason to believe that Du Luth and others had already penetrated far into the Northwest, and the reports which credit him with the discovery of the Upper Mississippi are not improbable. Hennepin was rescued by him in July, 1680, in the upper country, and it was probably familiar ground.

In 1678, La Salle, having returned to France, obtained Royal letters authorizing him to spend five years in exploring, with liberty to build forts where he should deem it necessary, and hold

<sup>1</sup> Shea's *History of Discovery of the Mississippi*, p. xxxiii.

<sup>2</sup> 9 N. Y. Doc., 125.

them with the same privileges as his fort at Frontenac. He was not to trade with the Outawacs (Ottawas) or others who bring their beavers and peltries to Montreal, but was to have the right to trade in buffalo-skins. There is reason to believe that La Salle had with the concurrence of Frontenac and others given a liberal construction to his trading privileges at Fort Frontenac, and such seems to have been a common practice.

He returned to Canada, having with him an associate who from that time onward was his faithful friend and follower, and who was one of the most efficient men that ever came to America. His name appears constantly in the early records of dealings in Michigan. This was Henry, the Chevalier de Tonty. He was of Italian origin, but his father Lorenzo Tonty had settled in Paris, and was there as early as 1653, as in that year he submitted to the King the financial scheme of life interests and survivorships once quite popular under the name of *Tontine*. The Chevalier began his military career in the French army as a cadet in 1668, and served several years by land and water, the naval service then not having been separated from the military as completely as it has been since. During the Sicilian Campaign he lost a hand at Libisso by a grenade, and was taken prisoner, and exchanged six months after. His hand was replaced by one of steel, which gave him the name of Iron-hand,

among the Indians who had great respect for him. He returned again to the wars, but when peace was declared he was thrown out of employment. He was recommended to La Salle by the Princess of Conti, and when that leader came back to Canada Tonty came with him. Henry de Tonty had a younger brother who was for a long time in command at Detroit, and was there when Charlevoix visited the place in 1721. On his return to America La Salle at once began preparations for his work. He met with many embarrassments, but finally, in the winter of 1678-9, began building a vessel of sixty tons burden, a few miles above Niagara Falls. This was completed in the spring or early summer of 1679. This vessel, which was the first that ever sailed on Lake Erie or the upper lakes, was called the Griffin, and bore a carved image of that heraldic monster as a figure-head, in honor of Frontenac, being part of his coat of arms. And in further evidence of his fealty to his friend and patron, La Salle is reported to have boasted that he would make the Griffin fly higher than the ravens, the black-gowns or Jesuits having gained that sobriquet. The little ship was provided with five small cannon and two *arquebuses à croc*, or wall-pieces usually mounted on tripods. The quarter-deck castle was surmounted by a carved eagle. A vessel of that tonnage was narrow quarters for the number of men in the company, and the old engravings (which, though not probably from

drawings, represented the usual style of that time) show the high stern and after cabin, which were then universal, and may have had something to do with her final wreck. It is worthy of notice that skilled mechanics and artists should be found in such an expedition. The old chapels in the Northwest, where there was no local demand for artists, sometimes show bits of carving which would be creditable anywhere, and indicate great skill in the early workmen. On this eventful voyage, in addition to his sailors and other followers, La Salle was accompanied by three priests. Gabriel de la Ribourde, the last scion of an old family of Burgundian nobles, came out in his old age to preach the gospel in the wilderness, and was head of the mission, although Hennepin conveys the impression that he himself was in fact, if not in name, both civil and religious director. Father Zénobe Membré was of less note, but evidently a good and faithful man. Hennepin, whose reputation is not savory, was the third. The latter wrote various versions of the history of the expedition, which are in many respects sufficiently reliable, but which are grossly unfair to La Salle and Tonty as well as others, and to which in the later editions are appended narratives that are generally discredited. These appendages do not concern Michigan, and need not be discussed. He was evidently distrusted by La Salle and Tonty. He accounts for the enmity of the former, by alleging he had rebuked him

freely for religious shortcomings. He lays Tonty's dislike to the inveterate hatred of the old soldier against all subjects of the King of Spain; and his suspicion of the monk's fidelity was extreme, and, as it turned out, not illfounded.

The vessel was manned by voyageurs and other men of experience in the country, and the pilot Lucas was an old salt water mariner of some pretensions. There is no doubt but that La Salle had taken some pains to supply himself with proper material for his expedition.

On the seventh of August, 1679, the Griffin started on her first voyage to the Northwest, beginning her course with the singing of the *Te Deum*, and the firing of cannon. The wind was favorable and she made a quick passage over Lake Erie, anchoring at the mouth of Detroit River or the Strait on the evening of the tenth of August.

## CHAPTER IV.

### EARLY SETTLEMENTS IN MICHIGAN.

THE Griffin was built during the winter and spring of 1679. In the autumn of 1678 La Salle sent forward some Frenchmen to winter at Detroit, and meet him when he should come up in the next summer. This would indicate a knowledge of the country, and an assurance that there was some place suitable for a winter abode. Allusion has already been made to the fact that the early narratives often make no reference whatever to the existence of posts and Indian villages lying directly in the way of the traveller. The narratives of the voyage of the Griffin do not inform us of any sight of human beings between Niagara and Mackinaw. We have no certain means of knowing whether there was any Indian town, or any post of *coureurs de bois*, upon the Strait at the time. There must have been one or the other in all probability. Tonty was sent up in a canoe in advance of the Griffin, to join the others at "a place called Detroit, 120 leagues from Niagara." This fact appears in Tonty's own narrative or memoir sent to the Government in 1693, where he repeatedly refers to Detroit as a



place that can be identified as at or near where the city of Detroit now stands.<sup>1</sup> It may have been that the Indian town mentioned by Colden as at "*Teuchsa Grondie*" was still in existence. The term written by the English and Dutch interpreters in a multitude of different ways more or less resembling it, and by the French as *Taochiarontion*, *Atiochiarontiong*, *Teiocharontiong*, *Techaronkion*, etc., was applied properly to an undefined region embracing the Strait,<sup>2</sup> and according to Hennepin, it gave a name to Lake Erie. Several of the old maps give it this title. The name given by the Hurons to the place where the city stands was *Karontaen*, a word closely resembling if not the same as *Carantouan*, the great stronghold where Champlain's follower, Etienne Brulé, spent a winter with a tribe supposed by Parkman to have been the Eries.<sup>3</sup> These men were not sent up to explore, and it is difficult to believe they would have been turned out without a leader in an unknown wilderness.

On the 11th of August, 1679, the vessel weighed anchor and entered the Strait. The party were greatly charmed with all that they saw, and the nar-

<sup>1</sup> 1 La. Documents, 53, 68, 69, 70.

<sup>2</sup> Taochiarontion. La Côte du Détroit.—*Potier MS.* "*Cote*" was used as "*coast*" was in old English, not merely to mark a hill or water boundary, but a vicinage or border-land.

<sup>3</sup> *Pioneers of France in the New World*, 377-8.

The Jesuit Journal of 1653 (for July) speaks of 800 of the neutral nation wintering at *Skenchio'ie*, near *Teiochanontian*. In the New York documents the English and Dutch forms of the name are 19 in number.

rative of Hennepin, (like those of La Hontan and Charlevoix,) is almost rapturous in its expressions of admiration for the tall woods and verdant meadows, the fruits and vines, and the infinite abundance of birds and beasts. We are informed that La Salle was strongly urged to stop and settle on the Strait, but his real purpose, not then disclosed, was to compete with the Spaniards for the Lower Mississippi and Gulf Country, and so early a break in his voyage was not to be thought of.

On the 12th of August, which is known in the Calendar as Ste. Claire's day, they entered the Lake formed by an expansion of the Strait, and named it after that Saint. Modern geographers have called it Lake St. Clair, and referred its name to Patrick Sinclair, an English commander of the last century. Its Huron name was *Otsiketa*, signifying sugar or salt, and probably referring to the salt springs near Clinton River, which were well known in the earliest days of the country.<sup>1</sup> Here they were wind-bound for several days, the current of the upper Strait, (St. Clair River) being too strong to be overcome without a very fair breeze. They finally set out and reached Lake Huron on the 23rd. They were struck by a storm a day or two after, probably off Saginaw Bay, and were for a time in great peril. The gale abating, they reached Mackinaw safely. On the 2nd of Sep-

<sup>1</sup> This little lake also had various names. One was *Lac Chaudiere* (kettle) from its round shape. On the Dutch maps it is called *Kandékio*. On some of the French maps *Ganatchio*. — See *Maps in Michigan State Library*.

tember La Salle left Mackinaw, and after visiting Green Bay, whence he despatched the Griffin eastward with a valuable cargo of furs, he coasted down the eastern shore of Lake Michigan and finally landed at the mouth of the St. Joseph River, then called the River of the Miamis. There he built a timber fort or block-house fifty by eighty feet. He subsequently went up that river and crossed over to the Illinois River, and thence worked down to the Mississippi.

This fort does not appear to have been of much consequence originally, and there was never any outside settlement of whites about it. In 1697, when an attempt was made to induce the King to call in all the traders from the Northwest, and destroy the posts, an exception was proposed in favor of the forts at Mackinaw and the River St. Joseph, as necessary to obstruct the trade of the English and Iroquois with the Western and Northern Indians.<sup>1</sup> A few years before (in 1691 or 1692) some English traders were said to have dealt with the Miamis near the latter post,<sup>2</sup> and Tonty, Courtemanche, Nicholas Perrot, and other noted leaders, were sent up to keep the Indians in the French interest. When Charlevoix visited the country in 1721, he spent some time at this post, which had then been re-

<sup>1</sup> 2 Charlevoix Hist., 211-212.

<sup>2</sup> In 1670 some Iroquois reached the Ottawa country under the guidance of Frenchmen, on a political mission.—9 *N. Y. Doc.*, 84.

moved some distance up the river into the present State of Indiana.

Meanwhile this region, from its abundance of furs, and from its lying in the path of all who sought to deal in those articles, was assuming considerable importance. The *coureurs de bois* had become very numerous, and there was great clamor against them. The English in New York were reaching out as far as they could for the Upper Country trade. The company at Quebec, in order to prevent beaver-smuggling, desired to exclude all but their own servants from the woods. We find constant reference to Du Luth, De la Forêt, Durantaye, De Lusigny, and other conspicuous characters, as not only active in exploring, but engaged in unlawful traffic. These men were all useful in defending the posts and holding the savages under control, and without them the close of the seventeenth century would have seen this region in the hands of the English. Du Luth, with great foresight, built a fort on the Kam-inistique River, on the north shore of Lake Superior, which completely shut off access to the Hudson Bay country from below, according to the routes then known. He was the first also to see the necessity of fortifying on the Strait.

In 1679, while La Salle was preparing for his journey, the Intendant Duchesneau made bitter complaints against Frontenac the Governor and Du Luth, as concerned together. He says that 500 or 600 brave men were in the country own-

ing Du Luth as commander.<sup>1</sup> De Lusigny, Du Luth's brother-in-law, was also charged as implicated. In 1680, it was said that every family had friends among the *coureurs de bois*.

That year an amnesty was granted. The reason appears in the increasing pretensions and incursions of the Iroquois, and the need of soldiers for the posts on Lakes Erie and Ontario to restrain them.<sup>2</sup> In 1682, De la Barre became Governor, and his policy was bold and active. Du Luth was received more openly into favor, and naturally aroused new enmity in certain quarters.<sup>3</sup> He was present at a council in Quebec that year, and may have suggested, what was a familiar idea with La Motte Cadillac, that the Lakes needed armed vessels to guard the way to the west. De la Barre proposed to have a fleet stationed on Lake Erie.<sup>4</sup> He had a poor idea of the value of La Salle's explorations, and La Salle in turn regarded him and Du Luth and De la Forêt as enemies who had interfered with his interests. La Salle appears to have had some notion that he had pre-empted the country. These trade jealousies were possibly well founded, but they show how demoralizing the whole monopoly system must have been. Du Luth was so pressed by calumny, that he went to France and there was able to vindicate himself completely, so that no more is heard against him. On his return

<sup>1</sup> 9 N. Y. Doc., 131, 132, 140.

<sup>3</sup> 9 N. Y. Doc., 194.

<sup>2</sup> 9 N. Y. Doc., 147.

<sup>4</sup> 9 N. Y. Doc., 196.

he assumed the defence of Mackinaw, co-operating with De la Durantaye, an old Carignan officer, of great bravery,<sup>1</sup> but not fortunate in his finances; and these two gentlemen appear to have acted together in many enterprises, until the former was recalled by Frontenac to the east.<sup>1</sup> In 1683, Du Luth is declared to be the only person who can keep the Indians quiet. But he continued in bad odor with the Company, and in 1684, De la Barre, Du Luth, De la Chesnaye, and Deschaillons de St. Ours, are paraded in a memoir on the suppression of beaver smuggling as prime offenders.<sup>2</sup> These incessant attacks upon the best men in the colony, by a set of grasping knaves who would have had no country to prey upon without them, are not edifying.

In 1684, De la Barre, in recognition of the importance of the route through Lake Erie and the Strait, sent an army to Mackinaw that way. About this time disputes arose between him and Governor Dongan of New York on the French pretensions to Michigan, and both De la Barre and his successor Denonville had a sharp correspondence with Dongan on the subject. It became evident that the latter was stirring up the Iroquois to dispute possession with the French, and plans were made to send up English traders and agents in the direction of Mackinaw, to deal with the tribes there.<sup>3</sup> In 1686, Denonville directed Du

<sup>1</sup> 9 N. Y. Doc., 201-2.

<sup>2</sup> 9 N. Y. Doc., 205.

<sup>3</sup> 9 N. Y. Doc., 297. 1 La Hontan, 78, 79. Id., 300.

Luth to fortify the Strait. This was at once done, and the latter established a post ("or castle," as it was termed by the English agents,) at the head of the Strait, at or very near the present Fort Gratiot. He began his work with a garrison of fifty men, well equipped, and all *courcours de bois*. This fort was called Fort St. Joseph. In November of that year, in the memoir sent to France by the Governor, he refers to it with great satisfaction as having turned out to be an important defence.<sup>1</sup> It also appears that Dongan had given reason to believe he would take measures to attack it.<sup>2</sup> Rigid orders were sent out to shoot any Frenchman found among foreign traders who might be met in the country.<sup>3</sup>

Governor Dongan reports the fact that the French had built one or two wooden forts on the way to the far Indians, who, he says, were inclined to trade in New York, because the French could not protect them from the Iroquois.<sup>4</sup> But as the Iroquois represented to the English that they were unable to cope with the French, and as the Mackinaw and other Michigan Indians were not disturbed by the Iroquois, this statement may pass for a pretext. The Governor also informed his superiors that he was about sending a Scotch gentleman called McGregor (McGregory) to open communications with the distant tribes, adding (which was also under the circumstances a very

<sup>1</sup> 9 N. Y. Doc., 306.

<sup>3</sup> Id., 315.

<sup>2</sup> Id., 309.

<sup>4</sup> 3 N. Y. Doc., 395.

curious statement) that McGregory had orders not to meddle with the French, and he hoped they would not meddle with him.

This expedition, consisting of sixty English and Dutch traders and a considerable escort of Iroquois, left for Mackinaw, a part in 1686 and a part very early in 1687. It was divided into two nearly equal companies, a Dutch trader named Roseboom going first, and McGregory following him with orders to take supreme command. It does not appear very plainly what course Roseboom took, but he seems to have got into Lake Huron without being seen from Fort St. Joseph. The men who were with him stated he had gone to a distance of a day and a half's journey from the castle, when he was captured by a force of French and Indians. The capture appears to have been made by a party under De la Durantaye.<sup>1</sup> Whether casually or by agreement, there happened at this very juncture a remarkable gathering of distinguished officers. The Chevalier de Tonty, in April, 1687, (after returning with orders from the Governor General,) had taken measures to gather the Indians in Western Michigan and in the Illinois Country, and to declare war against the Iroquois. La Forêt had gone on by way of the Lakes from Fort St. Louis with thirty Frenchmen, to wait at Detroit until Tonty arrived over-land; and he reached Fort St. Joseph at or about the same time when Durantaye came

<sup>1</sup> 1 La Hontan, 115.



in with his captives. Tonty left *Sieur de Bellefontaine* to command at the fort on *St. Joseph River*, and came across *Michigan* with 150 *Illinois Indians*, arriving at "Fort Detroit" on the 19th of May. He remained at this point, which was the present site of the city of *Detroit*, and sent up word of his coming to his cousin *Du Luth* at *Fort St. Joseph*. In a few days he was joined by *Beauvais de Tilly* (or more properly *Tilly de Beauvais*)<sup>1</sup> and soon after by *La Forêt*, who was followed by *Durantaye* and *Du Luth* with their prisoners. They joined forces and went down *Lake Erie* in canoes, and on their way captured *McGregory* with thirty *Englishmen* and some allied *Indians*, and some *French* and *Indian* captives. The depositions of *McGregory's* party state that the *French* party consisted of 1500. The *Governor's* report puts them at 400. Tonty does not mention the number. They were going to *Niagara*, expecting to fight the *Iroquois*,<sup>2</sup> and the officers who were engaged were the prominent leaders of the *Northwest*.<sup>3</sup> A large amount of booty was captured with the two companies. Tonty who was senior in command sent forward *La Forêt* to report to the *Governor*, and he reached *Frontenac*, where the *Governor* was in camp, about the end of June. The army from below joined the *Western* forces at a point on the south shore of *Lake Ontario*, where they

<sup>1</sup> 1 *La. Doc.*, 69.

<sup>3</sup> 3 *N. Y. Doc.*, 436.

<sup>2</sup> 9 *N. Y. Doc.*, 332.

built a fort known as Fort les Sables. Here they shot a Frenchman named Lafontaine Marion, (according to La Hontan, — Abel Marion in the depositions), who was acting as guide to the English company.<sup>1</sup> La Hontan refers to this with some indignation as an act of cruelty, the trade regulations giving no chance to get a living in the colony, and there being peace with the English.<sup>2</sup> After a short but sharp campaign in the Seneca country, the troops returned to the fort, and Tonty and Du Luth went homeward accompanied by Baron La Hontan, who was sent up to take command at Fort St. Joseph, Du Luth being needed elsewhere. Tonty left the others at this fort, and went on with Father Crévier to Mackinaw,<sup>3</sup> and thence to his own Fort St. Louis. Here Tonty found the brother of La Salle, Cavelier, with the rest of his company on their way eastward. To him as to others they said La Salle was living; and Cavelier committed a gross fraud on Tonty, by obtaining a considerable advance on his brother's credit.

On the way up from Niagara, and near Buffalo, Tonty and his companions met a brother of Du Luth, Grisolon de la Tourette, who is said by La Hontan to have come down from Mackinaw to join the army, having but one canoe;<sup>4</sup> and the Baron speaks of his rashness in running such a risk when the Iroquois were hostile. This gentle-

<sup>1</sup> 3 N. Y. Doc., 430, 436.

<sup>3</sup> La Hontan, 126, 134    <sup>1</sup> La. Doc., 70

<sup>2</sup> 1 La Hontan, 117.

<sup>4</sup> La Hontan, 128

man's name is not generally found in the histories. Great confusion has arisen from the fact that some times the family name is used, and sometimes other titles, and they are occasionally reversed so that the family name is made to represent the estate. Du Luth's family name was Grisolon, and La Hontan speaks of him as a gentleman from Lyons. He was a cousin of Tonty, who as already mentioned was of Italian extraction. Charlevoix mentions as connected with La Forêt and Tonty, and as having been long and honorably employed in the Illinois country, and as having great influence over the Indians, the *Sieur Delietto*, who is said to have been a cousin of Tonty.<sup>1</sup> This mention is late in the seventeenth century, and was near its close. The similarity of name to Du Luth and the same relationship to Tonty, give rise to a query whether there may not have been some confusion between the Grisolons, and whether this name may not belong to one of them. The only other reference in Charlevoix to any *Delietto* is found in the statement of the valuable services rendered by a post commander of that name several years after, in obtaining from the Head Chief of the Natchez the surrender of a brother who had been very troublesome to the French.<sup>2</sup> This officer died in 1722, a long time after Daniel Grisolon du Luth, whose death occurred in 1709.<sup>3</sup>

<sup>1</sup> 2 Charlevoix H., 265.

<sup>2</sup> 2 Charlevoix II., 460.

<sup>3</sup> Parkman's *Discovery of the Great West*, 254, note.

A name which belongs to one of these persons is given variously as *Deliatto*, *Deslietten* and *Deliette*. The name *DeSiette* in the Wisconsin collection is evidently a misprint of *DeLiette*.—3 *Wis. His. Soc'y Col*, 148.

It is much to be regretted that any of those brave men should drop out of history. Their services were brilliant, and their personal merits were such as in most countries would have marked them among the paladins.

This assertion of dominion over the Strait by the French had important results. An acrimonious correspondence followed between the Canadian and New York Governors,<sup>1</sup> and Governor Dongan and the Iroquois had various discussions as to which of them should pull the chestnuts out of the fire, each being anxious that the other should dislodge the French. The Iroquois urged strenuously that the Governor should remove the French from Niagara, Cataraqui, and Tyschsarondia, "which is the place where wee goe a bever huntinge, for if those forts continue in French hands wee are always besieged."<sup>2</sup>

The French Governor refused to release McGregory and his associates until finally ordered to do so by the home authorities, in October, 1687. It became evident that sooner or later there would be a struggle for the country, unless precluded by secure possession.

Up to this time no fort or post in Michigan had any French farming population about it. Mackinaw was the great centre, but here the *coureurs de bois*, who frequented and garrisoned the post, had their own stronghold and stores on

<sup>1</sup> 3 N. Y. Doc., 436, 532, 536, 905, 506.

<sup>2</sup> 3 N. Y. Doc., 536.

the Island, which was uncultivated.<sup>1</sup> After that post was founded, the Hurons and Ottawas settled near it, and contrary to the modern theories of our Indian hating statesmen, the civilized men depended for their supplies on the barbarians. The Ottawas both at Mackinaw and Detroit, as late as Pontiac's time, paid some attention to agriculture. The Hurons raised much more than they needed for themselves, and supplied their neighbors; and Charlevoix gives them credit not only for being diligent farmers, but for the civilized quality of knowing how to get a fair price for their surplus stores.<sup>2</sup> Baron La Hontan was obliged to go to Mackinaw in the spring of 1688, to purchase provisions for his fort from the Indians there.<sup>3</sup>

It was soon discovered that Fort St. Joseph might be dispensed with, and it was burned by La Hontan in 1688.<sup>4</sup> The Fort at Detroit, which was afterwards put on the footing of a settlement, continued as a military post until 1701. References are made to the policy of continuing it in 1689 and 1691; and in 1700 M. de Longueuil was in command, and held an important council with the Indians.<sup>5</sup> It was probably nothing more than a block-house, and may have been at times unoccupied.

<sup>1</sup> La Hontan, 144-5. Charlevoix, Letter 19.

<sup>2</sup> Letter 17.

<sup>4</sup> La Hontan, 171.

<sup>3</sup> La Hontan, 139.

<sup>5</sup> 9 N. Y. Doc., 399, 511, 647, 704, 713.

In 1692 La Motte Cadillac, who had become a man of note among the colonists, and who had devised intelligent plans for commanding the country by fleets as well as forts, was sent to France to give his views to the King and his ministers.<sup>1</sup> On his return he assumed an important place in the management of western affairs. In his memoir on Iroquois affairs, in 1694,<sup>2</sup> he vindicated the *coureurs de bois*, and was severe on their maligners, whom he charged with giving false statements of fact concerning Mackinaw and other matters. He was very influential among the Indians, and in 1695 especial mention is made of his good qualities, and of his shrewdness in Indian affairs. Frontenac, who at this period was Governor, and who had returned in that capacity in 1689, was in sympathy with him. But at this time the war against the traders was very warmly pushed by the missionaries, and they procured an order from France to have the military post of Mackinaw and all others but Fort St. Louis abandoned. Frontenac, however, prevented this, but the trade in furs was more rigidly confined to licensed traders, and the Canada Company. Twenty-five licenses were granted yearly, mostly to widows and orphans of deserving persons, who sold them to traders.<sup>3</sup> These allowed goods of a certain amount and value to be carried into the Indian country, and

<sup>1</sup> 9 N. Y. Doc., 530, 543, 546, 549.

<sup>3</sup> Charlevoix, Letter 4.

<sup>2</sup> Id., 577.

bartered or sold to the Indians; and the profits were very great. Special permissions were given to post commanders and others, and the licenses were extended liberally so as to give the owner opportunities for extensive traffic. The war with England (declared in the spring of 1689, and not ended until the Treaty of Ryswick, in 1697,) suspended the operations of the English in the Northwest, and confined the more severe hostilities to the regions further east.

As soon, however, as the peace was declared, under the pretext that the Western Lake Country was not really French territory, the New York authorities began to lay plans for getting into possession. In 1699, Robert Livingston laid before Lord Bellomont a project for taking possession of Detroit. He proposed sending 200 Christians, and 300 or 400 Indians of the Five Nations, "to make a fort at a place called *Wawijachtenok* [*Warweatanong*, the name of Detroit in the Chippewa tongue,] where a party of Christians are to be left, being a place plenty of provisions, many wild beasts using there," etc. He remarks on the disposition of the French to claim everything.<sup>1</sup>

In the same year La Motte Cadillac first proposed to the French Government to make a settlement for habitation at the same place.<sup>2</sup> He did not immediately succeed.

<sup>1</sup> 4 N. Y. Doc., 501.

<sup>2</sup> Conversation with Count Pontchartrain.—*Sheldon*, 143.

In 1700 Livingston renewed his project more earnestly. He declares that we "can never encounter the French unless we have bushlopers as well as they." He then points out the course to be pursued. "To build a fort at Wawychtenok, cal'd by the French De Troett, the most pleasant and plentiful inland place in America by all relation, where there is arable land for thousands of people, the only place of bever hunting for which our Indians have fought so long and at last forced the nations to fly. Here you have millions of elks, bevers, swans, geese, and all sorts of fowl. The fort to be between Sweege Lake and Ottawawa' Lake, which place lyeth by computation southwest from Albany seven hundred and forty-four miles, viz: From Albany to Terindequat at the Lake of Cadaraqui four hundred miles, from thence to Onyagara where the great fall is eighty miles, from thence to the beginning of Sweege Lake forty miles, and from the Sweege Lake to the place called Sweege, being a creek which comes into Sweege Lake, sixty-four miles, and from thence to Wawychtenok one hundred and sixty miles," etc.<sup>2</sup>

La Motte Cadillac, finding his scheme likely to fail, went to France and laid his plans before Count Pontchartrain. His conversation was reduced to writing, and copied, with other documents, for General Cass, from the French archives. The

<sup>1</sup> Huron.

<sup>2</sup> 4 N. Y. Doc., 650.



interesting work of Mrs. Sheldon on the Early History of Michigan copies it at length.<sup>1</sup>

His object was, in the first place to make it a permanent post, not subject to frequent changes; — (the official documents show that previous posts on the Strait had been subject to these mutations.) To secure permanence it was necessary to have numerous Frenchmen, both traders and soldiers, and to induce the friendly Indians to gather around it, and so become able to meet the Iroquois with less difficulty. He pointed out the fact that as this was the only way to the fur country, it would intercept the English trade, and by placing the post at Detroit it would open a trade further to the southwest than could be reached from above.

The Minister at the close informed him that he should have 200 men of different trades, and six companies of soldiers. The common accounts say that with his commission as commandant, which he received directly from the Crown, and not from the Governor, he obtained a grant of fifteen acres square, at whatever point the new fort should be located. This grant has not yet been printed. It is certain that he had a much larger grant at some time, but this may have been the first.

La Motte Cadillac reached Quebec, on his return from France, on the 8th of March, 1701. He left for his new post on the 5th of June, with 50

<sup>1</sup> P. 85.

soldiers and 50 artisans and tradesmen, the younger Tonty accompanying him as captain, and Dugué and Chacornacle as lieutenants. A Jesuit missionary to the Indians and a Récollêt chaplain for the French were also in the company. They reached Detroit on the 24th of July, 1701.

The fort which was then commenced was called Fort Pontchartrain, after the friendly minister who had favored it, and bore that name until changed after the British conquest.

This was the beginning of the settlement of Michigan, for purposes of habitation and civil institutions.

## CHAPTER V.

### DETROIT UNDER LA MOTTE CADILLAC.

ABOUT the time of La Motte Cadillac's return, and when Callières, the Governor General, was expecting to carry out his instructions concerning the founding of Detroit, he held a council at Montreal with a deputation of Iroquois for the peaceful settlement of some complaints, and they departed in good humor. But in June, the Chief Sachem of the Onondagas, *Teganissorens*, returned with other chiefs, and complained that it was unfair to build a fort at *Twighsaghrondy* before he acquainted them therewith.<sup>1</sup>

It appeared from the Chief's statements, that the English had been negotiating with the Iroquois for the purpose of building a fort in the same place, but the Chief claimed the Indians had objected and refused consent. The Governor had in some way been informed of the designs of the English, which were set forth in Livingston's manifesto, and it may have hastened the French action. La Motte Cadillac had seen the necessity of promptness. Callières answered by com-

<sup>1</sup> 4 N. Y. Doc., 891.

mending their refusal to the English to allow them to usurp a country which was not theirs, but said he was master of his own country, although he only desired to use his rights for the benefit of his children; and while ill-disposed persons might object, the Indians would one day thank him for what he had done. Teganissorens made no direct reply to this, but said the English would find it out, and he hoped, in case of war between French and English, their tribes might not be embroiled. Callières replied that he did not expect the English to do anything but oppose it, and all he asked of the tribes was neutrality. This the Chief agreed to.<sup>1</sup>

In July, and before La Motte Cadillac's arrival, the Iroquois held a conference with the New York authorities, in which they said they would be glad to remove the end of the chain of friendship to Tiouchsaghrondie or Wawyachtenok, if in their power, but the French would mock at it, for these had taken it in possession against their wills; and that they had no power to resist such a Christian enemy.<sup>2</sup>

On the 19th of July, 1701, the Iroquois conveyed to King William III. all their claims to lands in the west, and described the country granted as covering "that vast tract of land or colony called Canagariarchio, beginning on the northwest side of Cadarachqui Lake,<sup>3</sup> and includes all that vast tract

<sup>1</sup> 1 Charlevoix, 270.

<sup>3</sup> Ontario.

<sup>2</sup> 4 N. Y. Doc., 905-6.

of land lying between the great Lake of Ottawawa<sup>1</sup> and the lake called by the natives Sahiquage, and by the Christians the Lake of Sweege, and runs till it butts upon the Twichtwicks, and is bounded on the westward by the Twichtwicks by a place called Quadoge, containing in length about 800 miles and in breadth 400 miles, including the country where beavers and all sorts of wild game keeps, and the place called Tjeughsaghrondie alias Fort De Tret or Wawyachtenock, and so runs round the Lake of Sweege till you come to a place called Oniadarundaquat," etc.<sup>2</sup>

Reference is made to "a place called Tjeuchsaghronde, the principall pass that commands said land." And this word is also used as one of the boundaries in another description of the country.

These names of the three great lakes are not often found on maps, but in the Iroquois negotiations no others are used. Some French maps call Lake Erie *Oswego*, and it is called Ochswego in the New York documents.<sup>3</sup>

The Iroquois claimed seriously the right to Upper Canada, but do not seem to have had territorial claims in Michigan. The complaint in McGregory's case was that they and the English had a right to trade with the Indians inhabiting this region — chiefly Hurons and Ottawas,— not that the country belonged to the Iroquois. Their objection to the forts on Lake Ontario, Niagara

<sup>1</sup> Huron.

<sup>3</sup> 5 N. Y. Doc., 694.

<sup>2</sup> 4 N. Y. Doc., 908 and seq.

and Detroit, was that these commanded their beaver country, by covering the passes by which alone it was reached.

It is within the recollection of many persons now living, that no carrying of goods to any large amount was possible except by water. The furs were all taken back and forth in canoes, until in very recent times bateaux and Mackinaw boats were substituted. The journey to Montreal and Quebec from Michigan was commonly made through Lake Huron, Georgian Bay and the Ottawa River, or occasionally through other streams leading to Lake Ontario from the north. The way through Lake Erie and round Niagara Falls was the most direct way to New York, and was the only convenient path for the Iroquois; and the Strait was the key to the whole, as at Detroit it was but about half a mile wide, with a view of some two miles above, and the same distance below, entirely unobstructed by islands or marshes.

In a memoir concerning the Indians made in 1718, and found in the Department of the Marine, is a full description of the Strait and its islands. It is there stated that it was a long time doubtful whether Detroit should not be founded at Grosse Ile.<sup>1</sup> The cause of the hesitation was the apprehension that the timber might some day fail. During the present century that island has been remarkable for the extent and beauty of its forest timber, but most of it was second growth, and

<sup>1</sup> 9 N. Y. Doc., 886.

probably in the beginning of the last century the land may not have been densely wooded. The same memoir speaks with surprise of the multitude and size of the apples. These were probably crab-apples which were abundant, and existed in different varieties. The translator must have been in error in making them as large as pippins. The term used in the original would seem to be *pommes d'api*, or lady-apples, which do not always exceed in size large crab-apples.

Bois-blanc Island, near the Canadian shore at Malden, was in after times regarded as a more important point, as it commanded the deepest channel and an unobstructed view of all the lake entrance south and eastward, whereas near Grosse Ile the channel is broken by small islands. The Island of Bois-blanc, formerly beautifully wooded, was completely denuded of trees for purposes of military observation, during the so-called Patriot War of 1838.

Immediately on his arrival La Motte Cadillac enclosed his proposed fort by a stockade of a few acres, probably not over three or four, and perhaps less. It stood on what was formerly called the first terrace, being on the ground lying between Larned street and the river, and between Griswold and Wayne streets. The ground was higher further back from the water, and the bank westward was also higher. But the point selected was opposite the narrowest part of the river or strait, and high enough to command everything

within range. The fort proper, without the bastions, was one arpent square, and stood at the edge of the slope. If, as is probable, the plan of the settlement within the stockade was the same as subsequently, there is little difficulty in finding out its general appearance. There was a road running about the enclosure within the defences called the *Chemin du Ronde*, which appears from descriptions in conveyances to have been twelve feet wide. The other streets could not have been wider, and some, mentioned as little streets, were probably very narrow. In 1778, there were one twenty foot street and six fifteen foot streets; but these were laid out later. The older streets in Quebec may have resembled them. The lots did not exceed twenty-five feet by thirty or forty, and were often smaller. M. De Bellestre, the last Commander under the French, purchased two lots together, not very long before the surrender, which were apparently very eligible property, the combined size of which was thirty feet by fifty-four, and this property extended from street to street. On the river side of the fort, the ground descended quite sharply, leaving a small space of level ground near the water about forty feet wide, which was in process of time divided into lots. The domain outside of the fort, being somewhat more than half a mile in width, was used partly by La Motte Cadillac for his own purposes, and partly rented in parcels of a fourth of an arpent in width by five arpents in depth. A part was



at one time occupied by an Indian village. After the domain was revested in the Crown, it was used for a common, and other purposes of convenience. But for a few years after the settlement, the cultivated grounds of the French were all within the domain, and within a hundred rods of the fort.

The writers who describe this region in early times were very deficient in that habit of minute description which is so valuable afterwards in forming an idea of the domestic ways of the people. There is nothing to indicate whether there were cattle or draft animals of any kind. As all the expeditions from the east were by water, neither horses nor cattle could have been brought from that quarter, as after the loss of the Griffin there were no large boats used for a long time. There is, however, in a spiteful report of M. Aigremont, made in 1708, a passage bearing on this subject. He says "La Motte required of a blacksmith named Parent, for permission to work at his trade, the sum of six hundred francs and two hogsheads of ale, and the obligation to shoe all the horses of M. La Motte, whatever number he may have, though at present he keeps but one."<sup>1</sup> It is probable the horses found in this region at that time came from the southwest, and were a distinct breed from those afterwards introduced from below.

<sup>1</sup> Sheldon, 281.

Aigremont speaks also somewhat contemptuously of the small thatched log houses of the settlers within the walls; and it has been hastily assumed that this was the character of all the buildings. But there is evidence to the contrary, and it is apparent that there were competent mechanics and a demand for them. La Motte Cadillac, in 1703, had already under orders from Quebec, built a house of oak for the Huron Chief, forty feet wide by twenty-four feet deep,<sup>†</sup> on an eminence by the river overlooking the Huron village, because he desired to live like a Frenchman. This was certainly a spacious and respectable building; and from the landmarks may have occupied the beautiful spot formerly the homestead of General Cass, before the high and shaded terrace was cut down and graded. It is not likely the proud commander would have allowed the chief to possess a finer house than his own. It is supposed and said to be known that La Motte's own house occupied the same foundation that, after the great fire of 1805, was rebuilt upon by Joseph Campau, still remaining as one of the oldest landmarks within the present city limits of Detroit. Mention has before been made of the carved work of the early artisans. The same company that built the Griffin erected at the St. Joseph's River a building so large as to demand considerable skill. The edifices afterwards erected within Fort Pontchartrain, when there is no reason to suppose

<sup>†</sup> Sheldon, III.

materials or labor were more abundant, were beyond doubt well made and expensive. The purchase before referred to by M. Bellestre, was made in 1760 of one Vernet, who was a cutler as well as smith, and it was certified by Bellestre to have cost him 12,000 livres.<sup>1</sup> This if counted as *livres parisis* would have been 3,000 dollars, and if *livres tournois* 2,500 dollars, a very considerable sum in those days. The instrument of purchase included not only the lots and buildings referred to, but Vernet's stock in trade, and his bill for building Bellestre's own dwelling; and the whole consideration was 30,000 livres, or from 6,000 to 7,500 dollars, equivalent to more than double that sum now, and with the low prices of labor in those days probably going much further.<sup>2</sup>

La Motte's first care was to gather the Indians about him and retain them near his fort. In this he was very successful, very much to the wrath of the Fathers at Mackinaw, as the Hurons and most of the other Indians at that post emigrated to Detroit. La Motte, who had a standing feud with the Jesuits, for what he claimed to be unauthorized interference with his interests and with the royal wishes, wrote exultingly and a little mal-

<sup>1</sup> County Records, B., 128 and seq.

<sup>2</sup> All houses were probably made of timber until long after the laying out of the new town, except two or three of brick or stone, and some barrack-like buildings of rough cast. Timber was cheap, round or hewed, and made warm and durable houses; and until saw-mills were introduced, and boards and shingles readily obtainable, log or block houses roofed with thatch were very common in this region, and are not unknown now.

iciously to Count Pontchartrain, in August, 1703, giving an account of the actual and promised accessions to his settlement, in which he says: "Thirty Hurons of Michilimackinac arrived here on the 28th of June, to unite themselves with those already established here. There remain only about twenty-five at Michilimackinac. Father Carheil, who is missionary there, remains always firm. I hope, this fall, to pluck out the last feather of his wing, and I am persuaded that this obstinate old priest will die in his parish, without having a single parishioner to bury him."

Father Carheil was a devoted and good man, and his zeal for the preservation of the Indians from demoralizing influences was commendable, and in some degree efficacious.

It has not, however, been sufficiently noticed that La Motte's deserved reputation, (which in spite of his impetuosity always in the long run secured him the confidence of the King and his ministers, as well as of the Indians,) rested largely on his freedom from the reckless disregard shown by some persons for the welfare of the Indians. In a letter written while at Mackinaw, in 1695, in which he criticised a very excellent and wise prohibition of the sale of brandy, there are expressions which might seem to indicate that he cared very little about them or their fate. (He mentions—by the way—a very remarkable fact, if it be true, that the Sioux would not touch brandy and greatly disliked it.) When he had the responsibility of his

own settlement upon his hands he manifested a spirit very rare in those days, and which in turn subjected him to the same criticism which he had indulged in towards the government. M. Aigremont, who lost no chance of fault-finding, charges La Motte with endeavoring to prevent disturbances from the excessive use of brandy, by putting it all in one storehouse and selling it at an exorbitant rate, allowing no one to drink except at the depot, and allowing no one to have more than one drink of the twenty-fourth part of a quart. M. Aigremont complains not only that no one could get drunk on such a quantity, but that, as each had to take his turn, sometimes the Indians had to go home without getting even a taste. La Motte was, in this, wise beyond his generation. It is worthy of remark that the traders of Detroit in 1775 resorted to a very similar expedient, to prevent drunkenness and keep spirits away from the Indians.<sup>1</sup>

It appears that in the first instance the proprietary rights of La Motte Cadillac were not very extensive. The commission given him in 1700 has not been printed. But there was evidently some right of trading, though not in such furs as were within the monopoly. His powers as a military commander over all in the post seem, from incidental references, to have been plenary and exclusive.

<sup>1</sup> Record A., 337.

The Canada Company procured, before the first year was over, from the Governor and Intendant, authority to assume exclusive charge of the fur and peltry traffic. How far this was authorized by the King is not evident. But within the next two or three years new arrangements were made to which Cadillac was a party, which gave him a certain oversight in the business, though not any control over its details, which were in charge of agents.

The Commandant had constant difficulties with these men, and was annoyed by very active enemies. The purpose of his settlement was to found a town of French artisans and other civilians, and to make it a nucleus for a large Indian population. He had been promised that the roving traders should not be allowed to interfere with it. But he found active opposition from the missionaries and others at Mackinaw, (who were jealous of the rival post which had enticed away all their Indians,) and from the traders who had dealt with the tribes at the north. There were also complaints made to the King from the high officials, for which it is hard to find any honest explanation. They represented the fort as useless, and offensive to the Iroquois, and the place as not eligible for agriculture. Soldiers were denied him, and his petitions to allow settlers to come in and establish themselves were disregarded.

The new war with the English, which broke out soon after Detroit was founded, made their

emissaries active; and attacks were made, some openly and some stealthily, upon the fort, which met with some calamities.<sup>1</sup> In the latter part of 1703, and beginning of 1704, Cadillac detected the Company agents and some accomplices in very bold and important speculation and frauds, and put them in arrest. They had relatives in high positions; and in the autumn of 1704, La Motte was ordered to Quebec for trial on charges of tyrannical conduct. During his absence, which was protracted, much was done to destroy his plans, and the officer in charge provoked a war with some of the neighboring Indians, which was unfortunate in bringing much trouble on the post. La Motte was acquitted, but, disgusted with his treatment, he appealed his grievances to Count Pontchartrain, who came over to Quebec, and gave him a patient hearing, and dismissed him with commendation.

One of the most audacious wrongs done him received a very severe rebuke. The King himself, in 1703, wrote to Callières and Beauharnois, (Governor and Intendant,) directing them, in view of the conflicting representations made to him about Detroit, to call an assembly of the most reputable officers and inhabitants of Canada to

<sup>1</sup> In 1703, the Indians near Detroit were induced to visit Albany, and for a time were more or less under English influence. After their return to Detroit they attempted to burn the fort, but were repulsed, after they had done some mischief. The Ottawas soon after made a demonstration in which they received punishment. In 1706, while Cadillac was in Quebec, another attack was made while M. de Bourgmont was in charge, killing a missionary. Father Constantine, and a soldier,

meet Cadillac, and consider all the reasons for and against it, and when agreed to have him, as well as themselves, sign a proper memorial for the royal guidance.<sup>1</sup> This meeting they called, but did not notify Cadillac until several months after it had been held. The report was made without information from the person most relied on to give it. The Minister was very indignant at this treachery, and expressed himself plainly.<sup>2</sup> In 1706, Pontchartrain wrote to Vaudreuil that his conduct in favoring Arnaud, who was one of the persons arrested by Cadillac, was so censurable that, unless he showed more respect to the King's orders, he would lose his office.<sup>3</sup> La Motte returned to his post in 1706. It appears that he was thereafter left in sole control of the fort, and, although annoyed more or less by new hindrances, was maintained honorably until his removal to Louisiana. In 1708, M. Aigremont was sent out by the King to report upon this among other posts; but on the way he evidently fell into the hands of La Motte's enemies, and his report was a labored argument for the suppression of the fort and settlement altogether, in favor of Mackinaw. It was too strongly drawn to conceal the spirit of the writer, and, while some of his recommendations were approved, he was not left without censure.<sup>4</sup> He had further correspondence with the Marine Department, in which he lost no

<sup>1</sup> 9 N. Y. Doc., 742.

<sup>3</sup> 9 N. Y. Doc., 777.

<sup>2</sup> Sheldon H., p. 154. 9 N. Y. Doc., 777.

<sup>4</sup> 9 N. Y. Doc., 827.



opportunity of assailing La Motte and his post. His last attempt appears in a letter to Count Pontchartrain, in November, 1710, in which he not only advocates making Mackinaw the controlling post of the country, but recommends doing so by the pernicious system of *congés*, or licenses to trade in the Indian country. "To render these licenses valuable" — he remarks — "a large number of canoes ought to be prevented going up to Detroit: for being unable to trade off within its limits the great quantity of goods with which they would be loaded, in the time ordinarily employed in bartering, those who would find their stock too large would not fail to go further off to sell them. Finally, my Lord, the value of these licenses will depend on the proportion of the number of canoes which will go up to Detroit, which ought to be fixed at 8 or 10 at the most."<sup>1</sup>

The history of the colony shows that it was but rarely that any one in power favored the extension of French settlements; and the opposition to these derived its strength from two controlling elements — the missionaries and the fur traders — which happened to work together, though from different motives. Beauharnois and De la Galissonnière were the most favorable of all the later Governors to colonization, and both took active measures to forward it. But the census returns show a lamentable lack of people. In 1719, there were but 22,530 in all Canada; in 1720, 24,434;

<sup>1</sup> 9 N. Y. Doc., 852.

in 1721, 24,511; in 1734, 30,516. Cadillac was a strenuous advocate of the policy of enlarging the actual settlements for farming purposes, and of civilizing the Indians by education and discipline in contact with the French. And as Detroit stood alone to represent this policy, it is not strange that many misrepresentations were made in regard to it. But the best evidence of the Commander's fidelity is found in the unshaken confidence of the Home Government, which is found very frequently suggesting to the Governor and Intendant the duty of letting him alone, and of respecting his rights.<sup>1</sup>

Up to his interview with Count Pontchartrain, in Quebec, La Motte's powers had been so hampered that the post did not make much progress, although remarkably successful in gathering in the Indians. But his requests to be allowed to encourage settlements were passed by, or at all events not much favored. The Minister's eyes seem to have become opened to the state of affairs, and in 1705 and 1706 he was put in complete and sole control of the post, and granted a manor or *seigneurie*, the precise limits of which it is now difficult to ascertain.

His plans, which were not all allowed, were shadowed forth in his correspondence of 1703. He then desired leave to encourage the Indians to live in houses and learn French customs, and to organize companies of Indians drilled as soldiers.

<sup>1</sup> 9 N. Y. Doc., 777, 805.

He further desired to establish a seminary for the common instruction of French and Indian children, and offered to bear the expense himself or provide means without charge to the Crown. He urged that the place should be allowed to become a substantial settlement; that lands should be granted to soldiers and settlers, and that settlers should be allowed to erect dwellings. He desired leave to send out men to explore for minerals; and offered, if granted a seigneurie on the Maumee, to establish the raising of silk-worms and silk-making, the country being full of mulberry trees and adapted to that industry. He showed that the people had already raised a surplus of supplies. This was during the time when he complained, with justice, that his plans had been interfered with under such powers as he actually possessed.\*

When he was relieved from the obstruction of others at Detroit, he was not allowed all the privileges he desired, but was, nevertheless, in a better condition, although exposed to interference from below. He at once began to provide for the increase of the settlement. He made two grants of land, within the present limits of Detroit, (though not included until within a few years,) and as the first land grants in Michigan, and the only manorial grants ever recognized as valid in the State, they deserve mention. The only other manor granted in Michigan was conceded to the Chevalier de Repentigny, about half a century

\* Letter of 1703, Sheldon's H., 107.

thereafter, and lost to his heirs as escheated, under a decision of the United States Supreme Court. Whether La Motte Cadillac made further grants is not known. In the interval between the date of these and his departure for Louisiana, he was constantly harassed by the colonial authorities, and may not have found occasion to extend his tenancies.

A somewhat imperfect translation of one of these concessions is found in the Land Records of Michigan.<sup>1</sup> It is dated March 10, 1707, and made to François Fafard, dit Delorme. The land was two arpents (or about 400 feet) in width by twenty in depth.<sup>2</sup>

The grantee had the privilege of trading, fishing and hunting, except as to hares, rabbits, partridges and pheasants. He was to pay annually at the castle and principal manor, on the 20th of March, five livres for seigneurial dues, and ten livres for other privileges, payable in peltries until a currency was established in the colony, and thereafter in money. (The *livres* mentioned in these and in legal documents generally were *livres parisis* of 25 *sols* each, or a franc and a quarter.) The ten livres annually appear from subsequent provisions, and from other documents, to have been for the right to trade, and to have been

<sup>1</sup> Am. State Papers, 1 Public Lands, 250.

<sup>2</sup> In the early surveys, eighty arpents were made to measure three miles, which gave 198 American feet to the arpent. The precise measure would have been a little less.

personal and not divisible among sub-grantees. The other conditions were that he should commence improving within three months; that he should plant or help plant a long maypole annually before the door of the principal manor, and grind his grain at the *moulin banal* or public mill, giving toll at eight pounds for each *minot*; that he should not sell or hypothecate his land without consent, and that it should be subject to the grantor's pre-emption in case of sale, as well as to the dues of alienation, and subject to the use of timber for vessels and fortifications. The grantee could not work as blacksmith, armorer, cutler or brewer, without a special permit. (This was evidently to prevent unauthorized dealing with the Indians in weapons or ale.) He was given full liberty of trading and importing goods, but allowed to employ no clerks or agents who were not domiciliated at Detroit. The sale of brandy to the Indians was prohibited on pain of forfeiture of the liquor in his possession and confiscation of his land. On a sale of a part of the land, the annual dues were proportioned, except the ten livres for trading, which every individual was to pay in full for the privilege.

This grant did not require the grantee (as was afterwards required) to dwell upon his concession. It appears that for many years the settlers all dwelt within the gates of the town, or immediately without.<sup>1</sup>

<sup>1</sup> La Forêt's memoir, 9 N. Y. Doc., 867.

When he returned from the east, or very soon thereafter, La Motte brought two canoe-loads,<sup>1</sup> or eight tons, of French wheat, and also a variety of other grain for seed. Up to that time the only grain used was Indian corn, and the Hurons and Ottawas, who were expert farmers, raised it in great abundance, with beans, pumpkins and squashes. He also brought machinery for a large mill. Whether this was a wind or water-mill is not stated. It has been assumed that it was a wind-mill. This is probably an error. There was formerly a water-mill on the Savoyard River, which was within the domain and ran between the town and the later fort, which was built on the second terrace. Other water-mills existed within short distances of the fort, and the wind-mills which were quite numerous were too small to serve the ends of a *moulin banal*. The only reason for supposing this to have been a wind-mill was ignorance of the fact that there were streams used for water-mills. Those streams have now disappeared, but this has happened within living memory. It appears from the settlement of La Motte's proprietary rights in 1722, that he had been liberal in allowing trading licenses, for which the charge was put uniformly at ten livres, when the monopoly was really his own, and under the

<sup>1</sup> Two canoe-loads was the amount of goods originally allowed by each congé or trading license, and the canoes used in the long traverses were larger than the modern ones, being five and a half fathoms long by one fathom wide. The upper lake bark canoes that visited Detroit would sometimes contain twenty or thirty persons.

narrow policy introduced by one of his successors was resumed, and all trading right taken away from the people, except in their farm products.<sup>1</sup>

There is abundant evidence that the settlement prospered under Cadillac's liberal management. M. de Clérambaut d'Aigremont, a deputy of the Intendant, was ordered, in June, 1707, by the King, to visit Detroit and report upon its management and advantages. Reference is made to his report in a former part of this chapter. His commission states the mutual recriminations of Cadillac and Vaudreuil and Raudot, the Governor and Intendant.<sup>2</sup> On the same day Vaudreuil received strict orders not to interfere with Detroit. D'Aigremont's instructions were apparently meant to be somewhat confidential. It appears from them incidentally that La Motte desired to obtain leave from the King to procure some of the ladies of the hospital at Montreal, who were willing to do so, to come out and look after the sick, and aid in teaching various industries; and the delegate was instructed to help him in this. Whether he did so does not appear. But D'Aigremont's report, which was made in the interest of La Motte's enemies, did not affect his credit, beyond raising some question as to his desire for personal emolument, in which, however, he does not appear to have been specially noteworthy. With large landed rights and continued public employment, he left no such estate as justified such suspicions;

<sup>1</sup> 3 Wisconsin Hist. Doc. 167.

<sup>2</sup> 9 N. Y. Doc., 805.

and his measures, as far as they are recorded, were liberal.

In 1709, the fort and settlement were left entirely to his care, and to be maintained at his own expense, as to garrison as well as civil expenses.<sup>1</sup>

The project of La Motte Cadillac to enrol and discipline Indians was not authorized. And his short stay prevented the completion of his plans to promote their civilization. The great proficiency of some of these people in agriculture, and their disposition to emulate the customs of their French neighbors, give strong evidence against the heartless theories which have led to demoralizing and destroying them. No man understood them better than Cadillac, and the opposition to his views came from motives which cannot be approved.

In 1710, La Motte Cadillac left for Louisiana, of which he was made Governor.<sup>2</sup>

<sup>1</sup> 9 N. Y. Doc., 827. 3 Wis. Col., 167.

<sup>2</sup> 9 N. Y. Doc., 857.



## CHAPTER VI.

### THE FRENCH RULE IN MICHIGAN.

It is readily seen that up to the settlement of Detroit by La Motte Cadillac, there was nothing out of which any political future could grow. The posts, although important for military purposes, had no other significance. Except Detroit, no other establishment in Michigan was allowed to form a nucleus of settlement. And during La Motte's residence the hostile position of the English, who employed all possible means to stir up the Indians against it, made its position uneasy and dangerous. His great personal influence over the savages prevented fatal mischief, and his small beginnings were not without some degree of success.

The French system was not designed or calculated to build up self-governing communities, and theoretically, and in many cases practically, there was absolutism. But the Royal prerogatives were never delegated to the colonial authorities except in a very qualified way, and although there were great frauds and abuses, there was on the whole a respect for law. The French colonists

had a good reputation as not usually litigious; but they were tenacious of their legal rights as far as they went. The forms of law were kept up to an extent that would have appeared almost ludicrous, but for the real service it rendered in reminding all of the supremacy of justice over great as well as small. The colonists were in no sense abject or slavish. Very few people exhibited higher spirit or more personal independence. In this they were in no way behind any of the American settlers.

The powers of La Motte Cadillac, when left invested with the control of Detroit, could not have been less than those belonging to the higher feudal lordships of France. He asserted plenary power of justice, uncontradicted, before he was granted the seigneurie. But it was not necessary to establish tribunals of any kind, so long as the settlers were confined to the fort, and necessarily subject to the commanding officer's governance. There was usually in every post which was proprietary, and not purely military, that indispensable official in a French settlement, a Public Notary. Every public as well as private transaction was made in his presence as a solemn witness and recorder. The French commanders exploring new regions made public proclamation with great ceremony, placed tablets or other memorials on trees or other convenient places, and caused a *procès verbal* to be drawn up and signed by all persons of note who were present, and

attested by a notary. Where such an officer was not at hand, his place was supplied by competent attesting witnesses. La Salle took with him on his expedition his own notary from Fort Frontenac, to secure the formality of his proclamations. The French authorities expressed surprise as well as resentment on discovering that the Iroquois tore down and carried off their documents of possession, which they had posted on trees in the woods. When Céloron made his claims on the Ohio, he buried metallic plates properly described in his *procès verbaux*, and they remained until quite recently unearthed. These documents for public purposes were very like a modern marine *protest*, which is a narrative of the voyage and incidents which have given occasion for preserving a record of facts that may become important.

The absence of any evidence that Detroit had such an officer in La Motte's time, shows that affairs were rudimentary. His grants, which were drawn with all the skill and formality which would result from long use of the *Parfait Notaire*, bear no signature but his own, and that of his secretary Grandmesnil, by whom they were transmitted for collation to the Royal Notary of Quebec. It is questionable whether the fort and domain lands were ever granted, except upon lease, until long after.

In the absence of full evidence, we can only conjecture what was the legal condition of affairs after his departure. There can be no question

but that he retained important proprietary rights until May 19th, 1722, when his feudal rights were surrendered or modified; as the King immediately thereafter authorized lands to be granted by the Governor General and Intendant. The estate which he intended for his own use was reserved, whatever it may have been, and his rights admitted by the Crown. None of his privileges seem to have been given up except the exclusive right of trade, which was annexed to the office of the Commandant, who received it as an equivalent for his expense in maintaining the post.<sup>1</sup> Letters from Detroit, after his departure, indicate that he had probably farmed out his rights to some one, supposed to be the younger De Tonty. After his death his family sold his Detroit estates to one Bernard Maichen, who never paid but half the purchase price. His grand-daughter and heiress, Madame Gregoire, who obtained from Massachusetts, in 1782, the remnant of his barony of Bouaquat and Mont Desert, was foiled in her attempts to recover the property in Detroit. Whether it was ever secured by Maichen or his grantees is not known. That title was probably not produced before the land Commissioners, as no grants from Cadillac were established except those made by him personally.

Upon La Motte's departure, De la Forêt was appointed his successor. This gentleman was a

<sup>1</sup> Royal Letter to Vaudreuil and Bigot, of June 18, 1722.—3 *Wis. Hist. Col.*, 167.

man of note, having been La Salle's lieutenant and deputy at Fort Frontenac, and afterwards, and at this time, interested with the Chevalier Henry de Tonty in the proprietorship of Fort St. Louis, where Sieur Desliettes or De Liette was stationed. La Forêt was detained by private affairs in Quebec until some time in 1712. The Sieur Dubuisson was ordered to take temporary command, and arrived in 1710. He had a very small force, there being but thirty Frenchmen in the fort. In May, 1712, at the instigation of the Indians in the English interest, a desperate attempt was made to destroy the fort. Two villages of Mascoutins and Outagamies had been established and fortified within pistol-shot of the French fort. These people determined to annihilate the post, and two large bands arrived in the early spring to help them. Dubuisson had timely warning, and took measures to send word to the western nations, and to draw within the fort his grain and supplies, which were stored outside in a storehouse near the church. He then destroyed these buildings and several houses which would have endangered the fort if set on fire. He dissembled with the enemy, knowing that if he was supposed to have suspected their plans he would be attacked at once. He accordingly gave them to understand he expected an assault from the Miamis, and was repairing his defences. The savages were very insolent, and committed depredations on the property of the French outside of the fort, which

he did not venture to resent. It was necessary to sow grain and pasture the cattle, and it was an object to postpone the difficulty. On the 13th of May, M. De Vincennes arrived with seven or eight Frenchmen, but no news of the Indian allies. Suddenly a Huron came into the fort (to their surprise, as the Huron village had been deserted by all but seven or eight men) and informed the French that the Potawatamie war chief and three others were in the Huron fort and desired to counsel with them. Vincennes went over to meet them, and was told that six hundred men would soon arrive to help the garrison. The commander, desirous of sparing life if possible, wished to content himself when his friends should come with driving away his troublesome neighbors. But the Hurons would listen to nothing but a war of extermination. Dubuisson at once closed the fort and prepared for the expected attack, and the chaplain performed religious services, and got ready to aid the wounded. At this time Dubuisson was informed that many people were in sight. He says: "I immediately ascended a bastion, and casting my eyes towards the woods, I saw the army of the nations of the south issuing from it. They were the Illinois, the Missouris, the Osages, and other nations yet more remote. There were also with them the Ottawa Chief Saguina, and also the Potawatamies, the Sacs, and some Menominies. Detroit never saw such a collection of people. It is surprising how much

all these nations are irritated against the Mascoutins and the Outagamies. The army marched in good order, with as many flags as there were different nations, and it proceeded directly to the fort of the Hurons.”<sup>\*</sup>

The Hurons said they should not encamp, but enter the fort and fight for the French. The war began at once. The enemy were besieged nineteen days, by a large force of the allies, and the French fort at the same time was in great danger from the burning missiles which came in hundreds and fired the thatched roofs. These were torn off as fast as possible, and replaced with bear and deer skins, and two large *pirogues* were filled with water, and swabs fixed on long poles to put out any fire as it started. There were times when the Indians within the French fort became discouraged, but the brave commander cheered them up. The besieged enemy was cut off from water and food, and lost many killed. The savage besiegers would not allow them to capitulate. At midnight of a dark rainy night they decamped and escaped to Windmill Point, at the entrance of Lake St. Clair, eight miles distant, and threw up entrenchments. In the morning their escape was discovered, and the allies went in pursuit. In their eagerness the assailants did not perceive the defences, and at first lost many men. They were compelled to fortify, and begin a new siege. The besiegers were supplied

<sup>\*</sup> Dubuisson's Narrative, p. 9.

abundantly with provisions, and had two cannon. After four days the besieged surrendered, and all but the women and children were slain. The loss of the French and allies was sixty Indians killed and wounded, and six or seven French wounded. The enemy lost a thousand.

The results were very beneficial to Detroit. The Commander received great credit, as did also Vincennes, who thereby escaped from the consequences of some previous disobedience of orders.

De la Forêt arrived soon after the siege, and remained till 1717, when he was succeeded by the younger Tonty, who was also an able officer but avaricious and unscrupulous in trade matters, having been implicated in the frauds of 1703 and 1704, and brought into disgrace with the King.\*

De la Forêt, in 1714, wrote a memorial upon the subject of maintaining the fort, in which he urged its importance as necessary for the defence of the country and the supply of provisions. He nevertheless desired to have the settlement stopped, and the whole converted into a military trading post, giving the commander an exclusive monopoly, and stopping the sale of trading licenses to the settlers, as originated by La Motte, which he there asserts is in conflict with the commandant's rights. In this view he insists the settlers must leave the fort, and represents that

\* 9 N. Y. Doc., 308.



they cannot improve their lands by reason of exposure to the savages.<sup>1</sup> He, however, submits this to His Majesty's pleasure. In any event he desires to maintain a small garrison of troops.

In 1716, Vaudreuil made an effort to restore the brandy trade among the Indians, applying to the Regent Duke of Orleans, and representing that it could be done in such a way as to prevent excesses. In the same letter he urges a renewal of the sale of licenses for roving traders among the Indians, which had been so troublesome before.<sup>2</sup>

Whether from respect to La Motte's rights, or for some other cause, no change seems to have been made in the management of affairs at Detroit. While there are no records of land sales, it is apparent the inhabitants were increasing; and they probably held by some tenancy less than freehold, or were allowed to possess vacant lands by the Commandant.

The memoir of 1718 on Indian affairs contains a very complete and graphic description of the whole Lake Region, and devotes considerable space to the Indian villages about the fort at Detroit, and their customs and industries. The Potawatamies, Hurons and Ottawas are represented as raising abundant crops of corn, beans, peas, squashes and melons, and some wheat. The Hurons are remarked as more sedate than the rest, and as the bravest and most intelligent of

<sup>1</sup> 9 N. Y. Doc., 868.

<sup>2</sup> 9 N. Y. Doc., 870.

all the nations. The timber trees and natural fruits and nuts of the Detroit region are spoken of in glowing terms. No reference is made to the French.

During this period the post at Mackinaw assumed great importance, but it had no settled population except in connection with the fur trade.

In 1721, Charlevoix visited Detroit, and remained several days. He speaks in high terms of Tonty, who was then in command, and of the character of the land and its products. During his visit a council was held with the Indians to suppress the liquor traffic, and to prepare to fight the Outagamies, who had not lost their old hostility. He refers to the attempts which had been made to depreciate the importance of the post, and shows the falsehood of the statements concerning the lands. Incidentally, it would appear that there was considerable cultivated land, as he speaks of the same land bearing wheat for many years without manuring, as evidence of the fertility of the soil, and the wheat culture was mostly in the hands of the French. He refers to the Hurons as raising provisions for sale in large quantities, and as sharp traders.

It appears from Dubuisson's report of the siege, that there were cattle enough to be of importance to the settlement, in 1712.

In 1720, the English proposed to send horses to Niagara for transportation, and to make a

settlement there.<sup>1</sup> Pack-horses are not often referred to by travellers as early as this, and there is little information about them. In 1719, there were in all Canada 4,024 horses and 18,241 horned cattle. In 1720, there were 5,270 horses, and 24,866 horned cattle. Mrs. Grant, of Laggan, says that in 1761 there were no horses and only one cow at Oswego.<sup>2</sup>

In 1722, the rights of La Motte Cadillac having been adjusted, the traffic was ordered to be granted to the Commandant during his tenure of command and no longer, and he was to claim no title to the land at the post, and grant no concessions.<sup>3</sup> The Governor and Intendant were to grant these concessions in the name of His Majesty, with no trade privileges beyond the disposal of farm products. The grants were not to exceed four arpents wide by forty deep, and to be made in consecutive order. The Commandant was required to obtain building concessions as well as other persons, and to get no other trade rights beyond his continuance in command. But he was to have the use without title of ground for garden and stables.

No attention was paid to this decree by Vaudreuil, or his successor, the first Longueuil. And in 1726, Tonty made an exclusive grant of the right of traffic to four associates, La Marque,

<sup>1</sup> 9 N. Y. Doc., 1037.

<sup>2</sup> *Memoirs of an American Lady.*

<sup>3</sup> Royal decree. 3 Wis. H. Doc., 167, 168.

Chiéry, Nolan and Gatineau, who at once enforced their claims without mercy. The inhabitants sent a vigorous remonstrance against it to the Intendant, signed by the ancestors of several of the present French families of Detroit, Chesne, Campau, De Marsac, Bineau, Réaume, Picard, Roubidou, La Devoute and De Gaudefroy, and with the marks of others. The company wrote to the Intendant, urging that the people ought to devote their time to farming and not to trading; but as the Governor and Intendant had granted no lands, this was not ingenious. Tonty wrote a very insolent letter calling them *gens sans aveu*, or vagrants, and making some excuses which were evasive and sophistical, but mainly resting on his rights to do as he pleased.<sup>1</sup>

What action was taken does not appear; but in that same year the Marquis of Beauharnois became Governor, and in 1728 Hocquart was made Intendant, and a new era soon opened on the colony. They were sensible and patriotic, and understood the value of people, while they were not tainted with the fraud and greed of some of their predecessors. Tonty was relieved, and command given Boishébert, who seems, while at Detroit and after he left, to have been a true friend to the inhabitants. In 1728, at some unknown prompting, the King suggested farming out the post at Detroit, but the views of Beauharnois prevailed and it was not done.<sup>2</sup>

<sup>1</sup> 3 Wis. His. Doc., 169 to 178.

<sup>2</sup> 9 N. Y. Doc., 1004.

It is not entirely certain whether the earliest grant of lands by Beauharnois and Hocquart was in 1730 or 1734. In 1732, Beauharnois, who had failed in his efforts to have two vessels placed on Lake Erie,<sup>1</sup> wrote thus concerning Detroit, to Count Maurepas :

“Sieur de Boishébert’s occupations regarding the proceedings of the Hurons and Iroquois against the Foxes, will not have permitted him, I believe, sending you the draughts he was to make of Lakes Ste. Claire and Huron. I have not failed to recommend to that officer, as I had done to his predecessors, to give all their attention to the establishment of Detroit, and to the general welfare of that post. But although they do not appear to me to be wanting in attention in these two particulars, it is impossible for that establishment to become considerable, so long as a sufficient number of troops are not sent thither, to whom lands would be granted for the purpose of improvement, by which course farmers would eventually be introduced. If, on the other hand, it be His Majesty’s intention to send thither a hundred faussonniers<sup>2</sup> with their families, to whom some advances would be made in the first instance, this post would become considerable in a short time, and by its strength keep all the nations of the Upper Country in check. But as these projects can not be executed until approved by His Majesty, I shall continue to recommend

<sup>1</sup> 9 N. Y. Doc., 1014.

<sup>2</sup> Faux-saulniers, or salt-smugglers.

the officers in command of that post to induce as much as possible the settlers to cultivate the soil, and to maintain good order there. This, my Lord, is all that their diligence can accomplish.”<sup>1</sup>

This would indicate that no new grants had then been made. And in October, 1734, he wrote that there were but 750 soldiers in the entire colony.<sup>2</sup>

While Boishébert was in command, he authorized a water mill to be built by Charles Campau, on a stream which has now disappeared, but which was known in 1742 as Campau's Mill River, in later days as Cabacier's Creek, and lastly as May's Creek, from the adjoining residence of Judge May. The mill stood nearly where the Michigan Central Railroad crosses Fort street, in the city of Detroit, and the stream was in the basin now occupied by the railroad. In 1753, Cabacier complained that his land was overflowed, but it was made to appear that the mill antedated his concession nearly twenty years, and the Governor General confirmed Campau's rights.<sup>3</sup> It is mentioned in the petition of the inhabitants as the only mill convenient to the fort, and as running most of the year. From this it would seem that the *moulin banal* had ceased to exist, or was distant from the settlement at the fort.<sup>4</sup>

In 1734, concessions were made to several

<sup>1</sup> 9 N. Y. Doc., 1036.

<sup>3</sup> 1 Am. St. P., 253.

<sup>2</sup> 9 N. Y. Doc., 1040.

<sup>4</sup> 1 Am. St. P., 251.

inhabitants, of tracts of various widths from two to four arpents, and forty arpents deep. These were made by the Governor and Intendant, under the decree of 1722 before referred to. Similar grants were made at intervals until after 1750. These concessions were upon conditions, (1) of suit to the *moulin banal* when established, (2) settlement and habitation (*y tenir feu et lieu*) within a year; (3) keeping up fences, and cultivation, and allowance of roads; (4) annual dues of 1 sol per arpent front, and 20 sols for each 20 arpents of surface, and one bushel<sup>1</sup> of wheat for the four arpents front. These dues were payable at Martinmas, (11th November,) the money dues being receivable in peltries till currency should be established. (5) Customary *lods et ventes* according to the *coutume de Paris*, and other feudal rights; (6) rights reserved in mines, minerals, and timber for public purposes; (7) procuring immediate survey, and Royal patent within two years. All these on pain of forfeiture.<sup>2</sup>

It appears that at this time Hugues Péan was in command, and active in procuring these pri-

<sup>1</sup> Although the word *minot* used in these conveyances is said by Dr. O'Callaghan to be a larger measure, yet, like other standards of measure and value, it was not uniform. At Detroit, among the French inhabitants, the word *minot* always meant a bushel, and the word *pinte* a quart, and *chopine* a pint. The writers have used these words in many ways. Mr. Weld says the minot was to the Winchester bushel as 100 to 108.765.—*Weld's Travels*, 216.

<sup>2</sup> All these grants were afterwards classed as "*Terres en Roture*." Ferriere says these were not feudal tenures, and were subject to only two principal burdens, viz: the annual *cens* or dues, and the *lods et ventes* or fines of alienation due to the *seigneur censier* by the purchaser on sale or exchange.—*Ferriere's Law Dic.*, "*Roture*."

vileges. This officer was a man of distinction and hereditary Town Major of Quebec. His relations with a subsequent Intendant, Bigot, were peculiar and disgraceful. Both of them on their return to France, after the surrender of 1760, were tried and convicted of official misdemeanors, but whether any of them related to conduct here is not known. Péan was fined six hundred thousand livres, or \$125,000.<sup>1</sup> Bigot was merely banished from the court to his estates.

From this time on for several years the annals are silent, and the people may therefore be presumed to have prospered.

Only six of these concessions were ever sent to Paris for confirmation; and this fact left the titles at Detroit clear of some difficulties when the United States began to deal with them.

Anticipating somewhat the course of events, the only other land grants made by the French in Michigan were confined to the seigneurie granted to the Chevalier de Repentigny at the Sault de Ste. Marie, in 1750 and 1751, of six leagues square. He took possession and began the settlement to the satisfaction of the French Government, who had found it necessary to check the advances of the English among the northern tribes. When Carver passed through, in 1767, he found the possession kept up by a person who had been in Repentigny's employ,

<sup>1</sup> 10 N. Y. Doc, 1126.



and left in charge, but who then claimed to own it himself. Repentigny was a very distinguished officer and reached high rank in the French army, having been made Marquis and General. This claim was presented to the United States authorities in 1825, but not allowed by the commissioners, as the act of Congress was not broad enough to cover it. It was afterwards brought before the Supreme Court of the United States,\* where it was decided that the action of Congress previously had cut it off. The judgment was one which took rather narrower views of these concessions than seem to have been taken by the French or British authorities, and held that the act of Congress under which the claim was presented for adjudication was not intended to waive any question in the United States Courts, if the claim was technically cut off when the United States acquired the country.

The successive Commandants at Detroit appear to have had no serious difficulties with the inhabitants, and the people apparently continued in the privileges of which Tonty had sought to deprive them. Licenses seem to have been sold to such as desired them. Among the officers commanding at various times, besides those already mentioned, were Pajot, Deschaillons de St. Ours (a very distinguished officer), Desnoyelles, Noyan, Sabrevois, Céloron, Longueuil, De Muy, and Bellestre.

\* 5 Wal., 211.

Between 1734 and 1739, it is supposed that M. de Sabrevois was in command, as in his time the conditions of land grants within the fort seem to have been fixed as they were afterwards maintained.<sup>1</sup>

In 1741, Beauharnois held councils with the Indians belonging in the region of Mackinaw and the shore of Lake Michigan, and under his auspices they made a number of settlements, extending from the St. Joseph's River, at various points, including Muskegon, to L'Arbre Croche.<sup>2</sup> The latter became an important settlement, and was the seat of a considerable industry, the Indians maintaining a very good reputation, and being cared for by devoted missionaries. Within the last thirty years the L'Arbre Croche sugar was always reckoned clean and reliable, and brought the best price of any Indian sugar in the Detroit market; unless in some few instances where it was made equally well elsewhere by known families.

During the remainder of the official term of Count Maurepas as Minister of the Marine, the most liberal policy prevailed, as Beauharnois, La Jonquière, and De la Galissonnière were all disposed to serve the true interests of the colony. All of the Phélyppeaux were men of unsullied honor and integrity, and of much personal independence. They seem to have inspired much personal attach-

<sup>1</sup> 1 Am. St. Pap., 259.

<sup>2</sup> 9 N. Y. Doc. 1072.

ment among the western leaders. La Motte Cadillac named his Detroit post after Jerome Phelyppeaux, Count Pontchartrain, and Fort Rosalie after his lady. Lakes Pontchartrain and Maurepas in Louisiana were named after the father and son. Their names were not so fortunate in Michigan. Besides the fort at Detroit, three islands in Lake Superior were called after the family, Iles Phelyppeaux or Minong, Maurepas and Pontchartrain. A fourth was named after the Intendant Hocquart. Ile Phelyppeaux was laid down as an island larger than Ile Royale, lying between that and Keweenaw Point, and declared by Carver like the latter island, to have been large enough for a province. By the Treaty of 1783 between the United States and Great Britain, Ile Phelyppeaux was one of the boundary marks, the line running just north of it. The other three islands were laid down towards the eastward and northeastward.

The Indians had a superstitious fear of approaching these islands, which were supposed to be tenanted by the Great Manitou Michabou, and guarded by mysterious and terrible spirits and serpents. Of all those named, Ile Royale is the only one now known to exist, unless Maurepas has been confounded with Michipicoten, which is not in exactly the same region, but is not very far off, and is identified with it by Alexander Henry. It is hardly supposable, although that is a volcanic country, that any such islands can have disappeared in modern times, but it is not

easy to account for the location and naming of imaginary islands, where, from the foundation of Du Luth's fort on the Kaministiquia River, (now Fort William) the French had been constant travellers. In these instances the statesmen whose names were "writ in water" have been no more fortunate in their monuments than others in like plight. But they were fortunate in having more than one remembrancer.

In Mr. Schoolcraft's Journal of Gen. Cass's first expedition to the sources of the Mississippi in 1820, he mentions these islands, and refers to some of the Indian superstitions concerning them. As Ile Phelyppeaux came within the legal limits of the State of Michigan, it must, with Toledo, be now reckoned among her lost empires. Its other name, Minong, has been attached to Ile Royale, where, perhaps, it always belonged.

We find now, in the incidental references of our public records, evidences that Detroit had become subject to the ordinary incidents of civil settlements. There was probably from the beginning of the policy of land grants, a Deputy Intendant, and the same or some other person acted as notary. The elder Robert Navarre came to Detroit in 1730, and was constantly employed in public service of some kind. The King's dues were payable to his receiver (the Intendant) or a local sub-receiver, and Navarre's name is the first found in that capacity, while the receipts are endorsed on the deeds of the land-owners from

the beginning. The jurist De Ferriere represents the functions of a Deputy Intendant to have been judicial as well as ministerial, and such was probably the case in Detroit. The notary, (who at this time generally performed all functions connected with transfers, contracts and successions,) had no incompatible duties, and Navarre was Royal Notary. In 1753, M. Landrieve was acting temporarily as Deputy Intendant, Navarre being then probably absent on other duty, as he had a great influence with the Indians. In 1760, we find Navarre and Baptiste Campau both acting together as notaries, the latter performing, apparently the duties of *Tabellion* or notarial clerk and registrar. It is not likely the judicial duties were very heavy, but the receipts for the King were considerable, both in money and wheat, and the sub-Intendant was curator of the public property not strictly military. We find at this period that the Commandant made grants of lands within the fort, and possibly in the precinct or domain adjoining. M. de Bellestre declared in a subsequent inquiry that this was his absolute right, the rents, however, belonging to the Crown.<sup>1</sup> In some cases a ratification was required from the Governor General, as indicated by the Decree of 1722. Such cases are found recorded in 1754-5, on grants from M. de Muy confirmed by Du Quesne.<sup>2</sup> In 1741, such a grant is made by De

<sup>1</sup> Wayne Record, B., p. 128.

<sup>2</sup> Id., A., p. 1.

Noyan to Navarre, without confirmation.<sup>1</sup> The terms of tenure were two sols per foot front, not redeemable, but payable in cash, and the maintenance of the fortifications in proportion to such front.<sup>2</sup> This was one pile or picket, variously stated from fifteen feet upward in length, for each foot front of the lot. In 1745, a sale is recorded of a house within the fort, and of "forty fort pickets, which are all of cedar, appurtenant to the said house."<sup>3</sup> This obligation to supply pickets was afterwards a source of contention, and the duty was disputed. But the deeds are explicit. In addition to the annual dues, and to taxes, there were fines of alienation. On what basis these were settled does not appear, but it was probably according to the *Coutume de Paris*. In 1760, upon a purchase by De Belles-tre, the fines on a purchase of 12,000 livres were 666 livres, 13 sols, or more than five per cent.<sup>4</sup>

Even while no war was existing between France and England, the British agents (claiming ostensibly under the Iroquois grant, which was much more shadowy than the French claims which they professed to regard as theoretical,) kept up with their Indian allies a continued series of attempts to reach the western trade, and get

<sup>1</sup> Wayne Record, A., p. 29.

<sup>2</sup> Id., A., p. 1, 17.

<sup>3</sup> "Quarante pieux de fort, que sont tous de cedre, dependants de la dite maison."—A., p. 17.

<sup>4</sup> Wayne Record, B., 128.

control of the country. The Hurons, who had been deadly enemies of the Iroquois and all their friends, and who had stood fast by the French, were approached by these tempters, and by degrees led away from their fidelity. Their position was such as to make this very dangerous.

When Charlevoix was in Detroit he mentioned that it was desired to establish a Huron mission, which was not then determined on. In 1742, this was settled on Bois-blanc Island, on the Canada side of the mouth of Detroit River, commanding the main channel. Father Potier had charge, and the village was very extensive, regularly laid out, and containing several hundred people. It was then of several years' standing. It is likely it had been removed thither from Detroit, and Father de la Richardie is said to have at one time been a missionary in the tribe. For a period of some years these intrigues went on, and the Commander at Detroit was diligent in opposing them. Hearing that the English had designs on White River and the Wabash country, Céloron, a former Commandant of Detroit, in 1743, allowed men and supplies to go from Detroit to open a trade at White River with a body of Senecas, Onondagas and others of the Five Nations, who had settled there to the number of about 600, and who professed friendship. Robert Navarre was sent out to examine and report on the prospects. Beauharnois and Hocquart directed M. de Longueuil, then in command at Detroit, to send out

goods and supplies on the King's account, and expressed themselves as desirous, since the settlement could not be broken up, of getting it, if possible, to be friendly. But there was evidently suspicion of mischief.<sup>1</sup>

In 1744, the hostilities existing made it necessary to make preparations, and Longueuil succeeded in securing the adhesion of the nations near Detroit, and sent out Indian forces to prevent the English traders from reaching White River, as well as to guard the approaches to the Ohio. Céloron and Joncaire were able for a time to ensure the neutrality of several of the New York bands of Senecas and others.<sup>2</sup>

But the disturbed condition of the country operated injuriously on Detroit. In 1745, complaint was made by Beauharnois, in his letters to France, that the licenses to trade at Detroit and Mackinaw could hardly be given away, although those places were not well supplied; and he expressed misgivings as to the conduct of the Indians when trade should fall off.<sup>3</sup> About the same time the country was troubled by deserters and renegades from Louisiana, who found their way up to Detroit and its vicinity. The Chevalier de Longueuil, who was at this time decorated with the Cross of St. Louis for his services, was very active and energetic, and did much to keep the country quiet. But some of the Detroit Indians held back.<sup>4</sup>

<sup>1</sup> 9 N. Y. Doc., 1099.

3 10 N. Y. Doc., 21.

<sup>2</sup> 9 N. Y. Doc., 1111, 1112.

<sup>4</sup> 10 N. Y. Doc., 34, 37, 38.



The supply of provisions from the lands about Detroit began to fail, and for a while there was danger of suffering on this account. The Hurons became mutinous, and it was evident they had been effectually tampered with.<sup>1</sup> In 1747, Father Potier was obliged to leave Bois-blanc and go up to Detroit. They committed outrages in various places, killing several Frenchmen at Sandusky. They had also planned a massacre of the people in the fort at Detroit, which was overheard by a squaw, by whom it was revealed to a Jesuit lay-brother, who informed Longueuil. The rising was general, and manifestations were made in all parts of Michigan and the Northwest. Longueuil succeeded in persuading a deputation of several tribes to go with Bellestre to Quebec to confer with the Governor. Among these were the great chiefs Sastaretsi and Taychatin. After his departure the Hurons held a council, in which they desired Father de la Richardie to be sent up. Arrangements were made that he should accompany Bellestre to Detroit. Unfortunately, both the chiefs died before these gentlemen started.<sup>2</sup>

The year 1747 was one of constant trouble about Detroit. The Indians who had agreed to attack the Huron village at Bois-blanc, when the troubles broke out, refused to do so. Longueuil, however, had succeeded in getting the upper hand of the Miamis and others to the southward, and they sent to sue for peace. Three of the treach-

<sup>1</sup> 10 N. Y. Doc., 38, 83, 114, 115, 119.

<sup>2</sup> Id., 123, 124.

erous Huron chiefs, Nicolas, Orotoni and Anioton, who had been most deeply implicated, came also for the same purpose. While these were at Detroit, news came that a party had waylaid three Frenchmen at Grosse Ile, and attempted to murder them. The Frenchmen themselves soon appeared, wounded, but not fatally. Longueuil immediately sent a force of thirty men after the marauders. The deputies, fearing for themselves, informed the Commander that the criminals were concealed at Bois-blanc, and volunteered to arrest them. Longueuil accepted their offer, and gave them ten more men to accompany them. They overtook the first detachment, and brought back the five Indians to the fort. They turned out to be one Onondaga, as leader, one Huron, one Seneca, and two Mohegans. The populace killed the leader as soon as he landed. The rest were confined in the fort in irons. This event created great excitement among the Ohio Indians, but Longueuil pacified them, insisting however, on retaining the prisoners, and giving the nations to understand the fate of these depended on the conduct of the tribes. On the morning of the 29th of December, 1747, the Seneca was found dead, it being doubtful whether he killed himself or was killed by the Huron, who was to kill himself also. It turned out they had all nearly succeeded in escaping, as they had loosened their irons and prepared to kill the guard.

Afterwards, in February, 1748, Longueuil re-

leased the three survivors, upon the request of formal deputations of northern and southern tribes, and upon very fair promises. He did this against the wishes and protests of the French at Detroit, and was censured by the Governor General. But the event proved fortunate, as the Indians sought eagerly to show their sincerity by taking the war-path; and he had no further serious trouble with them, although there were some abortive attempts made here and there to do mischief.<sup>1</sup> In April, 1748, Galissonnière reports prospects of future tranquility.<sup>2</sup>

In 1748, it was questioned whether it might not be well to remove the fort to Bois-blanc; but it was not thought best to do so, as the Indians had settled at Detroit. The Huron Mission was re-established,<sup>3</sup> under strong recommendations from the Governor to renew it, but with great precautions to have it in a safe place; and at this time it was accordingly removed, to the present town of Sandwich, opposite the western part of the city of Detroit. Father de la Richardie became attached to it, at the Governor's request. Father Potier also appears to have remained with it. A church was built of respectable dimensions, which, until about twenty years ago, was the place of worship of the Catholic population of that region. It was then taken down,—a commodious and spa-

1 10 N. Y. Narratives of 1747-1748, *passim*.

2 10 N. Y. Doc., 133.

3 10 N. Y. Doc., 162, 148.

cious brick church having been built in its immediate vicinity. The point at Sandwich where they settled is named in the Governor's report "Point Montreal."<sup>1</sup> This name is not retained, and has not been noted except in that document.

In October, the Governor instructed Longueuil that, although the French and English were at peace, the English, if seeking to settle on the Ohio, White or Rock Rivers, or any of their tributaries, must be resisted by force.<sup>2</sup> He expressed the strongest convictions of the importance of Mackinaw and Detroit.<sup>3</sup>

In December, 1750, the late Governor, De la Galissonnière, who had been succeeded by De la Jonquière, prepared an elaborate memoir on the French colonies, which is one of the most enlightened documents ever written on that subject.<sup>4</sup> He pointed out the utility of colonies, and the reasons why the French, with less population, had obtained advantages over the English in dealing with the Indians; which he, as well as the English officials in this country, attributed to the habits of the French inhabitants in woodcraft, and in living with and like the Indians. But he warned the Government that this was accidental, and could not always be relied on.

After noting the weak points as well as advantages of various places, he makes special

<sup>1</sup> 10 N. Y. Doc., 178.

<sup>3</sup> 10 N. Y. Doc., 183-4

<sup>2</sup> 10 N. Y. Doc., 179.

<sup>4</sup> 10 N. Y. Doc., 220.

reference to Detroit. "This last place demands now the greatest attention. Did it once contain a farming population of a thousand, it would feed and defend all the rest. Throughout the whole interior of Canada it is the best adapted for a town, where all the trade of the lakes would concentrate; were it provided with a good garrison and surrounded by a goodly number of settlements, it would be enabled to overawe almost all the Indians of the Continent. It is sufficient to see its position on the map to understand its utility. It would stand on the River St. Lawrence within reach of the Oyo, the Illinois, the River Mississippi, and in a position to protect all these different places, and even the posts north of the Lakes."

He concludes his memoir by urging that "the resolution ought to be adopted to send a great many people to New France, in order to enable those who have the administration thereof, to work at the same time at the different proposed forts. These people ought to be principally soldiers, who can in a very short time be converted into good settlers."

He suggests that some *faux-saulniers*, and even a few paupers might be sent, the latter to be very sparingly furnished as needed. Other persons of doubtful character should not be sent unless called for.

Many suggestions are made as to the establishment of profitable industries. In this regard

there was a great contrast between the French and English. The whole current of Parliamentary and Royal regulation was towards preventing the English colonies from producing anything but raw material. Manufactures were obstructed and prohibited. In New France there was constant encouragement to industry, and the restrictions were confined to the fur trade and dealings with the Indians.

In 1750 and 1751, in pursuance of these views and of previous similar suggestions, a considerable number of settlers were sent out, and advances were made to them by the government until they were able to take care of themselves. They prospered after they had become fairly settled. But in 1752, it appears that provisions were scarce, so that Indian corn reached twenty livres a bushel in peltries, and it was feared some of the Canadians would have to be sent away. The Hurons and other Indians on whom reliance had been formerly had for corn, could not, from recent disturbances, have been able to furnish it; and the Commandant at the Illinois would not permit provisions to be sent thence.<sup>1</sup> Both C  loron and Longueuil had been censured for not being more alert in furthering the Ohio expeditions, but this was perhaps the reason.<sup>2</sup> Famine was not the only danger at Detroit. The small pox also began its ravages in the adjacent villages of the Ottawas and Potawatamies.

<sup>1</sup> 10 N. Y. Doc., 249.

<sup>2</sup> 10 N. Y. Doc., 249.

About this time the fort and stockade at Detroit were considerably enlarged. In 1750, the Chevalier de Repentigny began his settlement, and built a fort at the Sault Ste. Marie. In 1754, reference was made by Duquesne to his progress in that work, which "was essential for stopping all the Indians who came down from Lake Superior to go to Chouéguen, but I do not hear that this post yields a great revenue."<sup>1</sup>

In 1755, Vaudreuil, writing to France to Machault, the Minister of the Marine, makes the following reference to the settlement at Detroit: "I doubt not, my Lord, but you have been informed of the excellence of the Detroit lands. That post is considerable, well peopled, but three times more families than it possesses could be easily located there. The misfortune is that we have not enough of people in the colony. I shall make arrangements to favor the settlement of two Sisters of the Congregation at that post, to educate the children, without costing the King a penny."<sup>2</sup>

In 1759, Bigot, the Intendant, stated that the settlers of 1750-1 had taken care of themselves and been selling wheat since 1754, from which time they had entailed no expense on the crown.<sup>3</sup>

During the border war that was going on between the French and English, in the settlements and regions between the Ohio and the Lakes, the Detroit militia appear to have taken an active

<sup>1</sup> 10 N. Y. Doc., 263.

<sup>3</sup> 10 N. Y. Doc., 1048.

<sup>2</sup> 10 N. Y. Doc., 376.

part, and the number of French soldiers—apart from the Indians—must have been quite large.<sup>1</sup> Bellestre was especially active, and commanded in several sharp engagements. The Reports speak of him repeatedly with very high encomiums. The supplies for the operations on the Ohio, and in Pennsylvania and Virginia, came largely from Detroit.

Before hostilities broke out there was much crimination and recrimination between the Canadian Government and the English authorities in New York, the former accusing British emissaries with conspiring to assassinate the Commander at Detroit, and the latter charging similar misdeeds on the French.<sup>2</sup> The old dispute was also renewed in regard to priority of claim to Detroit, which had been so bitter in the early part of the century.<sup>3</sup> Colden, Delancey, and Pownall, in various ways, urged the necessity of getting control of this region.<sup>4</sup> Pownall referred to it at length in the Albany Congress of 1754, which was intended to unite the English colonies in a confederation for general defence, and the management of their common interests.<sup>5</sup>

When the English performed the cruel deed of banishing the Acadians from their homes, and scattering families as well as communities, with a cold-blooded inhumanity that no excuse can miti-

<sup>1</sup> 10 N. Y. Doc., 425.

<sup>4</sup> 6 N. Y. Doc., 990.

<sup>2</sup> 6 N. Y. Doc., 105, 107, 489, 493, 579.

<sup>5</sup> 6 N. Y. Doc., 893.

<sup>3</sup> 6 N. Y. Doc., 743, 773, 731.



gate, some of the unfortunate victims found a refuge in Detroit, as well as in other French settlements. The beautiful story of Evangeline is a sad but not exaggerated tale of these atrocities.

As the war on the lower St. Lawrence drew towards its close, Bellestre was chosen to take charge of the post of Detroit,<sup>1</sup> and to gather in all the western forces to preserve it at all events. He had been in command there for some years, but was too valuable a man to leave unemployed; and so long as there was any service to be done elsewhere he was given large powers. Vaudreuil, in June, 1760, wrote to the French Minister Berryer: "M. de Bellestre is preparing to receive the English, who I think are not going to Detroit; it may cost them very dear, because all the nations are disposed to join the French."<sup>2</sup>

But, on the 8th of September, 1760, the whole Province was surrendered. In November, 1760, Major Robert Rogers, with a force consisting of part of the 60th (Royal Americans) and 80th regiments, appeared below the town and demanded its surrender. The Commandant was justly astonished, and in no way inclined to accept the truth of the capitulation of a post he had been so carefully warned to defend. But the evidence was unanswerable, and he was compelled to submit; and the British flag was raised over the astounded settlement.

<sup>1</sup> 10 N. Y. Doc., 1093.

<sup>2</sup> 10 N. Y. Doc., 1094.

François Marie, commonly called and signing himself Piquoté de Bellestre, was so highly esteemed by the French authorities, that it seems strange to find him spoken of lightly by some of our writers as a *fanfaron* and a man of small account. There are few names so often and so honorably mentioned during the period of his entire manhood. He was head of one of the oldest houses of Canada, and was a Knight of St. Louis. Immediately after the organization of the Legislative Council of Lower Canada, under the Royal proclamation of 1763, he was made one of its members, and was also Superintendent of Public Ways. In 1775, the Canadian noblesse were enrolled under his command, and he did notable service to the British, in opposing the American invasion at St. Jean, for which he received public thanks from the commanding general. He lived to a good old age, and saw the inauguration of the new government of Lower Canada in 1791. He left no son. His daughter married Major Mc Donell, of the British Army.

As the last of the French Commanders, he deserves a prominent place in the History of Michigan.

## CHAPTER VII.

### MICHIGAN UNDER BRITISH MILITARY RULE.

THE assumption of possession of Michigan by the English, when there was but a single town, properly so called, and when the settlers near it were few in number, and all within a line of ten miles long, did not give occasion for any immediate change of legal systems. In fact there was so little for law to operate upon, that the people knew nothing about its niceties. By the articles of capitulation of Montreal, those Frenchmen who chose to do so could leave the colony, and, under some limitations, dispose of their estates. Repentigny would not stay in America, but went to France, and his infant colony almost disappeared. In May, 1762, Alexander Henry found there a stockaded fort and four houses, which had formerly been used by the Governor, interpreter and garrison. At this time there remained but one family, that of Mr. Cadotte, the interpreter, whose wife was a Chippewa. During that season Lieutenant Jamette arrived with a small detachment to garrison the fort. In December of that year, all but one of the houses were burned,

and a part of the stockade, which was just below the rapids.

The Island of Michilimackinac was at this time the seat of a Chippewa village. The fort was, where it had been in Charlevoix's time, south of the strait. When the French garrison abandoned it, there was a time during which it was not looked after at all; but there were some French inhabitants. The fort was built of cedar pickets, and had an area of two acres. It stood so near the beach that the waves beat against the stockade in a high wind. Within the enclosure were thirty neat and commodious houses, and a church. There were two small brass cannon which had been captured by the Canadians on some raid in the Hudson's Bay country.<sup>1</sup>

The population of Detroit and its vicinage has been variously estimated. Rogers estimated it at 2,500, with 300 dwellings. Croghan, in 1764, says there were 300 or 400 families. There must have been a considerable settlement, as a large force was sent up and quartered there until reduced by detachments. All the accounts are somewhat unreliable as they seldom define the extent of the settlement. Very few, if any, of the population left the country after the surrender. Some went to Illinois. Bellestre and his garrison were escorted to the East. The settlement was on both sides of the Strait, extending to Lake St. Clair.

<sup>1</sup> Henry, 40, 41.

There were in this, as in other parts of the colony, a good many slaves. A very few were of African descent. Most were *Panis* or *Pawnees*, who were originally captives brought by the Indians from the west and south, and most of them belonging to distant tribes. Such captives included Cherokees, Choctaws, Pawnees, Osages, and some others, but the name *Pani* was applied to all Indians in slavery. The treaty of peace secured the title to these servants as of other property, and the old records contain many references to them and conveyances of them. They continued to be kept after the American possession, and the last of the race that our generation has known was (though not then a slave) in the service of Governor Woodbridge a few years since.<sup>1</sup>

At the time of the change of sovereignty, in 1760, the wilderness had not been encroached upon, and, besides a great abundance of other game, buffaloes were very numerous in the Lower Peninsula, and for many years after were found in herds along the River Raisin, and all through the oak opening and prairie country.

The Treaty of Peace was not signed until 1763. Till then no regulations were adopted by the Crown for the government of the country, and it was under the control of General Gage;

<sup>1</sup> Judge Burnet, in his "Notes on the Northwest," speaks of the Detroit Pawnee servants as exceptionally good and docile.

but he was much aided by the judicious counsels of Sir William Johnson, whose advice was always honest and generally wise, but not always heeded.

The most active and intelligent Frenchman of consequence, who continued in this part of the country, was the Chevalier Chabert de Joncaire, a celebrated partisan leader among the French, who had great influence with the Senecas, and acted on occasion as interpreter. He was an object of suspicion to the English after the conquest, and received frequent mention in the reports. He afterwards became an officer in the British service, and was active among the Indians in the British interest during Wayne's campaign. After the Americans took possession, he was always reckoned a worthy citizen, and was one of the first delegates from Wayne County to the Legislature of the Territory Northwest of the Ohio, in 1799. He was then generally known as Colonel Chabert, though using for his signature his name of Joncaire.<sup>1</sup>

As soon as Montreal capitulated, Major Robert Rogers, who had gained reputation as a partisan ranger, was appointed to accompany the detachments which were to take possession of the western posts. A large part of the forces consisted of several companies of the 60th or Royal

<sup>1</sup> His father and grandfather, like himself, appear to have had much to do with the Senecas and other New York Indians, and to have acted as agents and interpreters in some of their negotiations. His name seems to have puzzled both Dutch and English, who write it sometimes as John Cœur, and Jean Caire, but seldom correctly.

American Regiment, officered chiefly by American gentlemen from New York and other Eastern colonies, several of them of Scottish birth or descent. Colonel George Croghan, who had long experience with the Indians, accompanied the expedition. On their way up in Ohio, near Cuyahoga River, they encountered Pontiac, the great chief of the Ottawas, who had for more than twenty years kept his village a little above Detroit, on the eastern side of the river. After a parley he parted with them peaceably, and with apparent friendliness. In November, 1760, as before mentioned, after some difficulty in persuading Bellestre that the Province had capitulated, Rogers took possession of Detroit.

The officers of the 60th seem to have been much better qualified to deal with the Indians than some of their associates. Sir William Johnson, whose correspondence on Indian affairs marks him as a just man, repeats over and over again his complaints that the hostility of the Indians was originally excited and always kept up, by the arrogance and insolence of the English. In 1768, reviewing the course of the past few years, he resorted to this in reference to the Pontiac War.<sup>1</sup> And it is mentioned in one of the Reports, that on the first expedition this spirit was offensively manifest. Rogers and Croghan were better skilled in dealing with the savages, and the officers of the 60th were generally well thought of in the coun-

<sup>1</sup> 8 N. Y. Doc., 85.

try. Some of them, however, knew very little of the Indians.

Captain Donald Campbell, of the 60th, was made first commandant, and continued in command till superseded by Major Gladwin, his superior in rank, in 1763.

Immediately in the train of the expedition, came traders from Albany, who got a very early foothold in the country. They were mostly Dutch, and bore names still familiar in New York. There were also some roving English traders, whom Sir William Johnson refers to with much bitterness. In his elaborate Review, of September, 1767, he mentions numerous instances of the mischief done by the greedy and unscrupulous adventurers, who cheated and deceived the Indians and made all Englishmen obnoxious to the savages.<sup>1</sup>

The greatest number of permanent traders who finally settled in Detroit were of Scottish birth or origin, and their eastern connections were principally with Schenectady and Albany. These gentlemen obtained and kept a great ascendancy among the Indians. They came mostly after the Pontiac war.

Sir Jeffery Amherst stated in 1762, that up to that time trade had been entirely free.<sup>2</sup> It appears, however, that passes were required to go into the Indian country, but they were at first granted almost as a matter of course. Under the King's

<sup>1</sup> 7 N. Y. Doc., 953, et seq.

<sup>2</sup> 7 N. Y. Doc., 508.



proclamation of 1763, they issued to all who gave security.<sup>1</sup> The Albany merchants appear to have been quite arrogant in their claims.<sup>2</sup>

While the access to Detroit was made easy, very few were allowed to go into the upper country. The French who remained in that region, as well as in the Illinois country and Detroit, were not contented, and were in many instances very active in stirring up the Indians. As early as June, 1761, General Gage had discovered that Pontiac was busy in the French interest, and Alexander Henry on this account had great trouble in procuring permission to go to Mackinaw.<sup>3</sup> The Indians did not regard themselves as subject to be disposed of by French and English treaties, and were very partial to their old friends.

A period of eighteen months after the Definitive Treaty of 1763 was allowed to the inhabitants, to determine whether to remain in the colony or remove to France; and they were allowed to sell their lands, on such removal, to British subjects. Many Acadians had come into Canada to escape the oppression which they had met at home, and efforts were made to secure to them the same terms given to the Canadians; but the preliminary capitulation rejected these, and left them in many respects at the mercy of the British. The Definitive Treaty seems to have put them all on substantially the same footing, and it is not known

<sup>1</sup> 7 N. Y. Doc., 535, 637.

<sup>3</sup> Henry, 11.

<sup>2</sup> 7 N. Y. Doc., 613.

that any difference was afterwards made between them. The inhabitants of French descent for a long time regarded themselves as treated with quite impartial harshness.

The French inhabitants had hoped that Canada might be restored to France. In 1763, a plan of insurrection is found to have been communicated to the French 'Government,'<sup>1</sup> but there was little material except Indians to work with, since the French officers had then mostly left the country. Nevertheless, there is no doubt the interval between the fall of Montreal and the final pacification of Canada, was filled with plots and schemes to shake off the English yoke. Joncaire was very active, and others less noted. The garrison and traders in Detroit, in their correspondence, show a very uneasy feeling in regard to their Canadian neighbors, who were unmistakably disgusted with the change of government, although having no particular reason for ill-will against their own garrison. Sir William Johnson, when in Detroit, in 1761, did what he could to secure a pleasant state of things with the tribes, but went home full of misgivings.<sup>2</sup> When Alexander Henry went to the upper country that year, he found it necessary to disguise himself to save his life from the savages; and even at Mackinaw he was in constant danger until the troops came up under Etherington and Leslie. Lieutenant Gorrell, who was sent on to Green Bay with the same expedition,

<sup>1</sup> 10 N. Y. Doc., 1157.

<sup>2</sup> 7 N. Y. Doc., 525, 575.

found himself unable to meet the demands of the Indians for what they claimed to be the customary presents; and the Commandant at Detroit had not means to supply him. The Green Bay Indians, however, were from the first quite friendly, while the deadliest hatred towards the English was among the Chippewas. The northern Ottawas, whom we generally in later times have been accustomed to regard as practically united with the latter, were then not so disposed, and in more than one instance prevented the Chippewas from doing mischief. The conduct of the Sakis or Sacs and Ottawas at L'Arbre Croche in befriending Captain Etherington and Gorrell, with their associates, after the massacre at Mackinaw, in 1763, was very warmly commended by Sir William Johnson and the colonial office.<sup>1</sup> Pontiac himself was a chief of the Ottawas, and his band adhered to him; but they were a more humane and civilized race than the Chippewas, and the northern Ottawas were not always in the closest relations with all of the other bands. Some doubts have been expressed by careless writers about Pontiac's tribal relations. But in the Mission Records of 1742 he is mentioned as chief of the Ottawas, near Detroit. A chief of the same name—perhaps a relative—is found among the Ottawa signers of the treaty made at the Miami Rapids in 1817, though his reputed nephew, the celebrated centenarian Okemos, was a chief of the Chippewas.

<sup>1</sup> Gorrell's Narrative. 7 N. Y. Doc., 543, 552, 561.

In 1766, Pontiac executed alone, on behalf of the Ottawa Nation, a conveyance to Doctor George Christian Anthon,<sup>†</sup> of land adjoining his village. As this was done at a public treaty, at the time when he made his peace with the English, and in presence of Colonel Croghan, the Indian Superintendent, and Colonel Campbell, the Commander of Detroit, there can be no question of his tribal position.

Except for the uneasiness concerning the schemes of Pontiac, there seems to have been nothing important in the affairs of Michigan at this period. The history of his final assault upon the western posts, and its terrible success at all of them except Detroit, has been made familiar by the fascinating pages of Mr. Parkman. The only occupied points in the territory now belonging to Michigan were St. Joseph, Mackinaw and Detroit. The Sault Ste. Marie had been abandoned before the outbreak. St. Joseph was held by an ensign and fourteen men, who were suddenly attacked by the Potawatamies on the 25th of May, 1763, and all but Ensign Schlosser and three men were tomahawked. These four were taken to Detroit and exchanged. At Mackinaw, Captain Etherington, in spite of the plainest and surest warnings, neglected all precautions, and was entrapped by a simple contrivance.

<sup>†</sup> This grant was made in token of the good will of the Nation to Doctor Anthon, probably for his medical services. He was father of the eminent scholars Henry, Charles and John Anthon, of New York, some of whom were natives of Detroit.

The Indians organized a great game of *baggattaway*,<sup>1</sup> or *la crosse*, (named from the long handled net or racket with which the ball is thrown to a great distance.) In this game there are two posts or goals at a long distance apart, and the two parties each seek to drive the ball to opposite points. Etherington was leisurely observing the game (on which he had laid wagers) and, as if by chance, the ball was thrown into the fort, and the Indians rushed in pell mell<sup>2</sup> after it. Once within the fort, they began the slaughter. Etherington and Lieutenant Leslie, with a handful of men, were hurried away as prisoners, together with Mr. Bostwick, a trader who had preceded Henry, and Father Jonois, the missionary at L'Arbre Croche. Henry was concealed by a Pani woman in the garret of Mr. Langlade, a Frenchman, who was an off-shoot of the distinguished colonial family of that name, but who showed an utter want of common humanity in his dealings with the unfortunate fugitive. He was finally saved by the intercession of an Indian named Wawatam, who had become attached to him and adopted him as his brother. The Jesuit mis-

<sup>1</sup> *Pagaadowan*. The Indian crosier or raquette, with which the game is played. *Pagaadowewin* the game itself.—*Baraga*. The ball is called *pik-wakwad*.—*Id.* The raquette resembles a long handled battledore. *Charlevoix* describes two games of ball with these implements —*Letter 22*.

<sup>2</sup> There was one fashion of playing the old English game of *pall mall* with a racket, and this term *pell-mell* may have been derived from the confused rush which is always made for the ball in such games, as in the game of *shinty*, (*vulgo shinny*.) See quotations under "Pall Mall" in *Richardson's Dictionary*.

sionary, who was a good and sensible man, was sent to Detroit with messages to Major Gladwin. Henry was taken to the Island of Mackinaw, and concealed for a time in Scull Cave. He was afterwards taken safely to the lower lakes. The other captives were carried to L'Arbre Croche, and kindly treated. During this carnival of cruelty, the bodies of the slain were boiled and eaten by the Indians, and Henry's friend Wawatam partook of the horrid feast.

Etherington managed to send a letter to Lieutenant Gorrell, at Green Bay. That gallant officer gathered a force of friendly Indians, and set out to the rescue of his comrades. He stopped near Beaver Island, expecting to find them there. He was met by a canoe sent out from L'Arbre Croche, and then pushed on to meet them at that place. By the good offices of the Ottawas, who would not let the Chippewas stop or injure them, they were all enabled to reach Montreal.<sup>1</sup>

In these massacres the French were left unharmed, and were evidently on good terms with the Indians. Some of them showed the qualities which become Christian and civilized people. Some of them betrayed no signs of humanity. It is wonderful to see how often both Frenchmen and Englishmen on the borders have not only tolerated but encouraged Indian barbarities against the whites. The period between the beginning

<sup>1</sup> Gorrell's Narrative.

of the American Revolution and the Battle of the Thames, in 1813, witnessed many cruel scenes, for which men of standing and consequence were far more responsible than the red men whom they stirred up to mischief. Few, if any, of the great Indian outbreaks originated with the savages. No more indignant complaints against this conduct of influential Englishmen were ever heard anywhere than those of leading British statesmen in Parliament against the use of such barbarous instruments for the slaughter of the American settlers. And Tecumseh, at Fort Meigs, was active in restraining barbarities, which he rebuked General Proctor in the most cutting language for allowing and encouraging.

Detroit alone escaped capture. Pontiac had been very cunning in preparing a device to enable him and his warriors to get within the fort and destroy the English. They cut their gun barrels short and concealed them under their blankets, and sixty head-men thus equipped were allowed to enter the council house, their followers being left outside in the road, waiting for the signal. Major Gladwin had been warned, and had heeded the warning, and had learned what was to be Pontiac's signal for attack. As soon as he noticed the chief preparing for it, he gave a sign, and at once the drums beat and the soldiers handled their guns. The great chief was for once thrown off his balance, and could not conceal his chagrin. He and his myrmidons departed with lame

explanations, while Gladwin abstained from showing the extent of his knowledge of their treachery. The next day Pontiac made a visit of ceremony, with the calumet or pipe of peace, which he left with Major Campbell on his departure as a token of sincerity. That afternoon he got up a ball-play, intending a stratagem like that at Mackinaw, but the garrison were on their guard and took no part in it. The next morning, May 9th, the French inhabitants went to mass at the church above the town, returning before 11 o'clock, and having then seen no signs of mischief. But the common around the fort was soon crowded with a multitude of warriors of all the neighboring tribes, and Pontiac approached the gate and asked to be admitted. He was told that he could come in himself, but not his followers. On saying that they wished to smoke the calumet, Gladwin gave him to understand, very curtly and plainly, that they must keep out. This ended the pantomime. The hate and wrath of the savages were no longer concealed; but they did not begin the war by attacking soldiers. They first ran across the common to the cottage of an old Englishwoman, and killed and scalped her and her family. Hence they proceeded up the river to Hog Island,<sup>1</sup> and there found an old English

<sup>1</sup> This island was first named Ile à Ste. Claire. Being infested with rattlesnakes, several hogs were turned loose on the island to destroy them; and in time they in turn became numerous and very wild. This obtained for it the name of Ile aux Cochons, or Hog Island. In 1845, a party of ladies and gentlemen on a picnic solemnly named it Belle Isle—its present title.



sergeant named James Fisher, whom they also murdered. Tradition says that the dead man's body, which was decently interred by Canadian neighbors, would not rest, though covered more than once, but thrust out its imploring hands until quieted by the rites of the church.

A curious legal episode is connected with this murder. When the war was over, a Frenchman named Alexis Cuillierier (an ancestor or relative, it is believed, of the Beaubien family, their name being properly Cuillierier de Beaubien) was tried by a court of inquiry, and sentenced to banishment from the settlement for drowning Fisher's child. In 1769, Captain Turnbull (then commanding) published an order<sup>1</sup> recalling him from banishment, and ordering all people to abstain from charging him with guilt. The order recites that he was convicted on the testimony of a false witness, who is declared to have been found guilty of infamous offences and utterly unworthy of credit.<sup>2</sup>

<sup>1</sup> Wayne County Records, A., 91.

<sup>2</sup> This curious document, having been issued in French and English, (both originals), is subjoined in both languages as recorded. The verbal peculiarities were probably correctly preserved. The French copy gives the correct name of the accuser.

“By George Turnbull Esq<sup>re</sup> Capt. in His Majesty's 60th Regiment, Commanding Detroit & its Dependencies, &c.

*Whereas* Mr. Alexis Cuillierie has been wrongfully accused by J<sup>n</sup><sup>o</sup> Myer of having (during the Indian War of 1763) been Guilty of drowning a Child belonging to the late James Fisher; the many Circumstancis in favour of Mr. Cuillierie that were at that time desinedly Conceal'd, but which have appeared since, together with the Testimony of several Creditable Inhabitants, Concerning the Infamous Character of thatperjur'd Villain J<sup>n</sup><sup>o</sup> Myer who has

This gentleman was very intimate with Pontiac, and Parkman gives a description of him as a fan-

himself since given a very Glaring & but too Strong proof of said Testimony by premeditatedly Murdering James Hill Clark, Trader at the Miamis River, these and many other sufficient proofs Convincing me throughly of Mr. Cuillierie's Innocence, I was determined then to recall him and revoke the orders Publish'd to his prejudice in Consequence of said fals accusation; but thought it best, first to Communicate the Same to His Excellency General Gage, Commander in Chief of all His Majesty's Forces in North America; Now, in consequence of Orders receiv'd from his Excellency, the said Mr. Alexis Cuillierie is permitted to return and remain here unmolested as soon as he pleases. And all manner of Persons are hereby strictly forbidden to seize, stop, injure, molest, or reproach under any pretence whatsoever the said Mr. Cuillierie for or on account of the said Malicious & fals Accusation as they shall answer to the contrary on their peril

Given under my Hand and Seal at Detroit, June 4th, 1769.

For a Coppy

sign'd

GEORGE TURNBULL."

"Par George Turnbull Ecuyer Capt Commandant Le Detroit et Ses Dependences &c.

Comme Mr. Alexis Cuillierier a été Injustement accusé par Jean Mayet, d'avoir pendent La Guerre Sauvage, fait noyer un Enfant, appartenant a feu Jacques fischer et que maleureusement toutes Les Circonstances en faveur du susdt Sr Cuilleries estoient dans Ce temps la Malicieusement Cachées Mais qui ont Depuis paru authentiquement [par] Le temoignage de plusieurs domiciliés Dun Caractere Irreprochable Concernant Linfame Conduite de Cet Indigne par Jure Jean Mayet, qui a par lui meme donné depuis des preuves Claires et Convinquentes des Temoignages Cydessus enplongean ses perfides Mains dans le sang de Jacques hill Clark Dans la riviere des Mis amis tout Cecy ét plusieurs autres preuues Mayant entièrement Con vincu Delinnocence du Susdt Sr Cuilleries Jetois Determine de le Rappeler et anuller Lordre que Javois donné et fait publier Contre luy en Consequence de la fausse accusation. Mais ayant pencé, quil estoit plus apropos, de la Communiquer a son Exelence Le General Gage, Commandant en Chef de toutes Les forces de sa Majesté dans Lamerique du nord Maintenant en Consequence des ordres Reque de Son Exelence; il est permis au-susdt Sr. Alexis Cuilleries de Revenir aussitot quil luy plaira, et y Rester paisible: il est donc en Joint et ordonné atoutes personnes quelconques de ne point Injurier, ou Reprocher La Moindre Chose, au Susdt Sr Alexis Cuilleries au sujet de la fause et Malicieue accusation intenté Contre Luy tous Ceux qui Contreviendront a lordre Cy dessus en Repondront a leur Risque et peril.

Donné au Detroit le 4, Juin 1769

Pour Copie.

Signé

GEO: TURNBULL."

tastic and foppish person, whom the chief used as a tool.<sup>1</sup> The tradition, it appears, did him injustice. The settlers were generally on good terms with the chiefs, and in some instances they were no doubt unjustly suspected of plotting with Pontiac. Gladwin reported that several, whose characters always stood well in Detroit, were at the bottom of the plot, and guilty of the worst treachery; and Sir William Johnson, and Lord Shelburne, more than once repeated the charge,<sup>2</sup> and some were very earnest for their punishment. Our own writers, best informed, have not been satisfied of their misconduct. And until the final cession of the country in 1763, it is difficult to see any reason why they should have been active for the English.

At first Gladwin did not believe the outbreak was very serious; and even after the Indians had attacked the fort, and been driven off with considerable loss, he attempted to negotiate. Messrs. Chapoton and Godfroy were sent with an interpreter, La Butte, to parley with Pontiac. He completely deceived them into supposing he was disposed to treat; and desired that Major Campbell, who was Gladwin's predecessor, and esteemed by French and Indians for his probity and fairness, should come to his camp. This officer, against Gladwin's misgivings,<sup>3</sup> desired to go, and was ac-

<sup>1</sup> Conspiracy of Pontiac, p. 224.

<sup>2</sup> 7 N. Y. Doc., 600, 687.

<sup>3</sup> Gladwin's conduct in permitting their departure was approved, as necessary to enable him to get provisions for the fort—as he gained this advantage by temporising—7 N. Y. Doc., 617.

accompanied by Lieutenant George McDougall, of his regiment. They went up to Pontiac's camp, at Bloody Run, where an angry mob set upon them, and if the chief had not interfered they would have been killed. He retained them as prisoners, and, instead of negotiating, immediately made preparations to cut off any reinforcements which might come from below. He took Major Campbell with the canoes down the river. They intercepted the despatch schooner at the entrance of Lake Erie, and in making their attack on it placed the officer in the bow of a canoe as a screen between them and the vessel, to prevent her firing on them. The veteran called to the crew to do their duty without regard to him; but a fresh wind carried her beyond pursuit, and she reached Niagara River in safety. Pontiac desired to make terms with the fort by using him as a hostage, but without effect. After the original treachery was discovered, McDougall, with a trader named Van Eps,<sup>1</sup> escaped. His older companion would not attempt it, being short-sighted, and fearing to impede his comrade. He was afterwards murdered by Wasson, a chief of the Chippewas. Pontiac was not a party to this crime, and regretted it.

The first force sent to aid the beleaguered town, under Lieutenant Cuyler, was intercepted

<sup>1</sup> 7 N. Y. Doc., 533. McDougall remained in Detroit. His two sons, Colonel George McDougall and Colonel John R. McDougall were prominent citizens forty years ago. The latter was grandfather of Mr. Alexander M. Campau of Detroit. He owned the farm west of Méloches, near Bloody Run.

at Pointe Pelée, and turned back.<sup>1</sup> In July, Captain Dalzell, an aid of Sir Jeffery Amherst, arrived with supplies, and with 280 men, including, in addition to detachments from the 55th and 80th regiments, twenty rangers, all under the command of Major Robert Rogers. A heavy fog favored their landing. Dalzell on his arrival foolishly insisted on making a night march, and attacking the Indians in their camp. The secret leaked out, and Pontiac was advised of the plan. At two o'clock in the morning of July 31, 1763, 250 men marched out of the fort and up the River Road, protected in part on the river by two large boats with swivels. Two miles above the fort the road crossed a bridge at the mouth of a stream then known as Parent's Creek, but since as Bloody Run. The banks formed a ravine, through which the stream ran rapidly until it neared the Detroit River, when it spread out into a little mere, or marsh-bordered pond, narrowing at the bridge to about twenty feet, and being there quite deep. As soon as the troops reached the bridge they were assailed by a murderous fire, and the ravine became a scene of carnage. The darkness bewildered them, and they were compelled to retreat, fighting against ambuscades all the way, until they reached the fort again at eight o'clock, after six hours of marching and fighting in that short road. Dalzell<sup>2</sup>

<sup>1</sup> 7 N. Y. Doc., 526.

<sup>2</sup> This officer's name is written Dalyell in many documents, and Dr. O'Callaghan takes Parkman to task for writing it Dalzell. The latter form is

was killed while gallantly striving to save a wounded sergeant.

The battle of Bloody Run, though fought by a small force, was important in its results, and was a remarkable instance of a continuous hand to hand fight with Indians. The scene has now entirely changed. The stream has disappeared, and no relic is left but a huge tree riddled with bullets, which has not yet been sacrificed to city improvements.

The siege went on with various noteworthy episodes, which have been described by able writers, and which are too long in recital for this sketch. In October, the besiegers began to disappear ;<sup>1</sup> and Pontiac retired to the Maumee country, when he found the final treaty of peace was signed between France and England, and that no help could henceforth come from the French in Canada. But he still cherished some plans of mischief. The next year [1764] Bradstreet came with a force and relieved the worn-out garrison. He held a council with the Wyandots and other tribes, and made a treaty, in which, by the fraud or incapacity of the interpreters, they were made to acknowledge an abject subjection to the Eng-

also found, and is the original family name, sometimes also called Dalziel. In the days of the covenanters, one of their most savage foes was General Dalziel or Dalzell, "a veteran who vowed never to shave his beard after the execution of Charles I., and who was as merciless as Claverhouse. Mrs. Grant, of Laggan, who knew him, calls the officer who was killed at Detroit Dalziel, and says he was related to the Dalziels of Carnwath.—*Memoir of an American Lady*, Ch. 51.

<sup>1</sup> 7 N. Y. Doc., 589, et seq.

lish, which they never dreamed of. Bradstreet was a very unwise and arrogant negotiator, and his conduct was not regarded with approval. Sir William Johnson censured it severely in his Reports, as calculated to offend the tribes. By this treaty the land was ceded from Detroit to Lake St. Clair.<sup>1</sup>

The importance of Detroit was now fully recognized, and it was made the central point for all the western interests. The want of some sort of government was felt, and representations were repeatedly made by Johnson, Bradstreet, Croghan, Governor Moore, Colden, and all interested in American affairs. Dr. Franklin was also active in England in laboring with the Board of Trade to

<sup>1</sup> 7 N. Y. Doc., 649, 650, 674, 678. No one can calculate how much of the trouble between whites and Indians has come from the ignorance and rascality of interpreters. If there is no one that can detect their errors, they can and will make up such stories and give such versions as they choose, without regard to accuracy, and represent each side to the other as saying what is really colored or made up by the person whom each is obliged to rely on. The French missionaries and the officers long in the country were familiar with Indian languages, and were seldom if ever imposed on. But the sounds of the Indian languages cannot well be expressed by English forms, and the English negotiators, and most of the Americans, have been compelled to trust almost implicitly to their interpreters. Some of these, like Joncaire, La Butte, Henry Connor and Whitmore Knaggs, were men of character and reliable. But many have been dishonest and ignorant. An interpreter will seldom admit that he does not comprehend any phrase that is used, and will always report something as dictated to him, whether truly or falsely. These men, too, are very apt to soften down or leave out phrases and charges that are offensive, and put civil speeches in their place. It is evident this was done by Bradstreet's interpreter. Sir William Johnson, to illustrate the danger of relying on such persons, tells an anecdote of an occurrence in his presence where when an English missionary gave out as his text that there was no respect of persons with God, the interpreter rendered it that God did not care for the Indians; and Sir William had to intervene and translate the sermon himself. 7 N. Y. Doc., 970.

establish governments there and elsewhere in the west, but without success.<sup>1</sup>

As soon as the Treaty of Paris had been ratified, the King of Great Britain issued a proclamation for the government of the various French possessions acquired by it. So much of Canada as constitutes what was afterwards known as Lower Canada, he established as the Government of Quebec, to be governed in the first instance by a governor and council, who were to establish courts and tribunals to decide all cases as nearly as possible according to the laws of England, with an appeal in civil causes to the Privy Council. When circumstances should permit, an assembly was to be called. Lord Mansfield was very indignant at this action, as revolutionizing the whole laws of the Province,<sup>2</sup> and introducing a system unknown to the people. Afterwards, in *Campbell v. Hall*, (*Cowper*, 204,) after four successive arguments, he decided that, although the old civil and criminal laws remain until changed, yet the King, until Parliament should intervene, had absolute legislative authority over conquered countries; but that by this proclamation the sovereign had exhausted his powers, and could not legislate further. This last proposition is doubtful law, but it was followed immediately by the passing by Parliament, (whose power was beyond cavil) of the Quebec Act, to be noticed hereafter.

The country west of Lower Canada, not ceded by the Indians, was by this proclamation to be

<sup>1</sup> See N. Y. Docs., and Mills' Report, *passim*.

<sup>2</sup> Mills, p. 190.



left unmolested for their hunting grounds, and no purchases were to be made from them except by public treaty for the Crown. Trade was to be open and free to all who desired licenses, under such regulations as might be established.

Provision was made for arresting and returning all fugitives from justice to the colonies whence they fled. There was to be no law or government west of Quebec, except under military control.

As several cases had been decided in the English courts against even governors of colonies, who had overstepped the laws to the prejudice of citizens, the officers sent to Detroit before the Quebec Act had a wholesome fear of prosecution, and were generally very careful to keep within safe bounds. The case of Governor Eyre, (*L. R. 6 Q. B. 1. Phillips v. Eyre*,) who was sued for his course in the Jamaica troubles of 1865, and exonerated by a statute of indemnity, is the most recent attempt to enforce such liabilities.

It is not generally understood by our people that, after the war with Mexico, the Territory of New Mexico remained under military government until the territorial government was established by the Compromise Acts of 1850; and that it had a whole system of revised statutes, known as the "*Kearney Code*," which were passed by no legislature, and obtained their only sanction from the general commanding that country. The British Parliament, at the time of the Treaty of Paris,

was not much disposed to spend time in fostering colonial interests, and royal colonies had not then been more misgoverned than others. The American Congress, after the treaty with Mexico, could not agree upon the territorial schemes before it. As some government was needed, the military rule, for the time being, was unavoidable, and General Kearney adopted a system which was in effect civil. But Detroit, before 1775, was not governed by any system whatever, and the commanding general and his subordinates could do as they chose. Their course was generally moderate and reasonable; and although the inhabitants grumbled at the burdens laid upon them to keep up the fortifications, there were no extortions or peculations for private or doubtful purposes, as there were in many posts under the French control. Most of the British commanders were honest and reputable men, and obtained respect and good will from the people in their charge.

Bradstreet, with whatever deficiencies he may be charged, had sense enough to discover that Detroit was a point of much political as well as military importance, and needed some civil government. His desire was that English settlers might be encouraged to come in, and that, whether held under civil or military control, there should be courts of justice established.<sup>1</sup>

<sup>1</sup> He wrote as follows: "All posts upon the banks of the lakes, from Niagara upwards, to be under the control of the officer commanding at De-

But the idea, made prominent, that these were important for the advantage and protection of Indian dealings, and that Indians would resort to them, was not very practicable.<sup>1</sup> Their necessity for the whites was more apparent. The importance of introducing more settlers was continually urged by the well-wishers of the Province. But the trade interests of Great Britain were as much opposed to encouraging American settlements as any of the French intriguers had been, and the future was not very promising.<sup>2</sup>

The distant officials were very vindictive against the French settlers, and if their sentiments had prevailed there would have been trouble at Detroit.<sup>3</sup> But the gentlemen who were on the spot had more wisdom than to create disgust among the people with whom they were placed in intimate and friendly relations, and who, when they found their allegiance irrevocably transferred, demeaned themselves quietly and amicably. Care was taken,

troit; and should Government judge it improper to establish a civil government there, and not encourage the colony, still some court of justice is necessary, to the end offenders, inhabitants, Indians, Indian traders and others, might be brought to justice, and punished by a law that might prevent litigious suits, and satisfy the savages that the strictest justice is done them.—7 N. Y. Doc., 691.

<sup>1</sup> 7 N. Y. Doc., 641, 663, 668, 691.

<sup>2</sup> "The colony of Detroit grows fast, and the inhabitants have great influence over the savages; the removing them would occasion a general war with the Indians, and to leave them as they now are will take a great length of time before they become proper English subjects." This hint is followed by urging the introduction of British colonists—7 N. Y. Doc., 693.

<sup>3</sup> 7 N. Y. Doc., 579.

however, to appoint British agents in lieu of French, over Indian affairs, and in the trade matters. Lieutenant John Hay, (afterwards Colonel and Lieutenant Governor,) was one of the first appointed; and when Pontiac afterwards came in and treated with the British, he specially requested that Hay and Crawford should be retained in the agency.

The Scottish officers and merchants became favorites with the Indians, for reasons similar to those which attached the tribes to the French. Many gentlemen of good family, but narrow means, came to America from the highlands and west of Scotland, where the old feudal relations had produced a habit of courtesy and kindness to inferiors, and a disregard of any claims of wealth alone to superior social consideration. These persons, although sometimes high-tempered and punctilious, were much more careful to avoid giving offence to the Indians than some of their English associates were. The subsequent history of the country shows them to have had more intimate relations with the French also. And when the Americans succeeded to the possession of this region, the Scottish merchants far outnumbered all the rest, and there were found among them representatives, and subsequent inheritors, of the best houses in Scotland.<sup>1</sup>

<sup>1</sup> Angus Mackintosh, of Detroit, inherited the estates which belonged to the old earldom of Moy, the earldom itself having been forfeited in the rebellion against the House of Hanover. Being entailed upon heirs male general, and the direct line failing, it was found that Angus Mackintosh

Bradstreet, while at Detroit, made military appointments in the militia, and held courts for the trial of persons who had favored Pontiac and adhered to him during the war. There were probably no capital sentences, but such as were convicted were banished. This was perhaps the time when Cuillerier was condemned.

The courts, so far as we find any trace of their proceedings, were called courts of inquiry, and there is some reason for supposing they were made up in occasional instances, if not generally, of a jury, instead of being confined to military officers. There are some references which indicate the use of a mixed jury of French and English, after the fashion of the jury *de medietate lingue*, formerly used for controversies with aliens. Sir William Johnson refers to the conviction of a trader by court of inquiry, for using false weights, and it appears that he set the Commander at defiance, and threatened him with legal prosecution.<sup>1</sup> It was such occurrences, and the uncertainty how far an officer could safely go in punishing civil offenders, which led to strong appeals from Johnson, and Governor Moore, for some tribunals for dealing with criminals in the country outside of the Quebec Government. The eastern colonies, acting on the principles of the common law, could punish no

and Sir James Mackintosh were the two nearest of kin, the former being one degree nearer than the latter. A claimant was also found for the estates of Annandale, but unsuccessfully.

<sup>1</sup> 7 N. Y. Doc., 895.

offenders outside of their own borders, and military law was very distasteful to English courts and people.<sup>1</sup> There was much lawlessness among the roving adventurers outside of the posts,<sup>2</sup> and especially about Mackinaw, which was for some time after the massacre left without commander or garrison. It was not restored till 1764 or 1765.

The Lords of Trade opposed any extension of settlements, on the notion that the settlers would become manufacturers, and the English tradesmen would lose their market. The public men who favored settlements, instead of exposing the folly of using colonists as inferiors and contributors of all their energies to serve the greedy demands of home-abiding Englishmen, met the arrogant claims by urging that new settlers would enlarge instead of narrowing the market, and could not furnish their own domestic articles. The spirit that drove America into revolution was manifest in the whole correspondence of the government agents. Unfortunately there was an interest in this country opposed to civilization. The fur trade was still a power, and anything which drove out the wild beasts and opened the land to culture was in the way of this powerful ministry of barbarism. The early associated fur traders were the worst enemies to improvement which this region ever encountered; and in the sequel they very nearly succeeded in changing our political destiny. But the natural disposition of British

<sup>1</sup> 7 N. Y. Doc., 877, 895.

<sup>2</sup> 7 N. Y. Doc., 871-2.

and Americans to seek their fortunes in new countries was not to be repressed. Although not numerous, settlers came in by degrees as soon as the end of hostilities made it safe; and in 1767, and probably sooner, there were found in Detroit persons of British birth and descent whose families and descendants are well known there. From the beginning of the occupation the Commandants were beset with applications for lands, and they were compelled to give permission to occupy, \*although they could do no more. It had been customary for the French Commandants, with or without the ratification of the Governor or commanding general, to dispose of lots of land within the fort and adjacent domain, although Mr. Navarre, in 1767, stated that the power did not exist in the domain.<sup>1</sup> But grants of land for farming purposes were within the control of the authorities at Quebec, and the action of the Commandant at Detroit was nugatory unless confirmed. The Indian title had not been given up, except east of the fort to Lake St. Clair, and a trifling distance west. The Royal Proclamation distinctly forbade private Indian purchases.

In 1765, when Colonel John Campbell was in command, George Croghan held a council at Detroit, where eighteen Indian tribes were represented, and was more fortunate than Bradstreet in getting their confidence. Croghan was the

<sup>1</sup> 1 St. Papers.

ablest British agent that ever dealt with the Indians in the Northwest. On this occasion he persuaded Pontiac to enter into friendly relations with the British, and the grant to Dr. Anthon previously mentioned, made at this council, was probably the first Indian grant made in this region to any one.<sup>1</sup> It was not good within the letter of the King's proclamation, but such grants made in treaties have generally been respected, and while this was by separate deed, it was very likely one of the means whereby the chief was conciliated. The suggestions he made to appoint as agents persons in whom he had confidence, were deemed worthy of consideration by Sir William Johnson, and it would have been a very cheap privilege to allow him to give away his own lands to a British officer and surgeon, who had earned his gratitude. There were, however, many dealings with the Indians for private grants, which were connived at or openly favored by later Commandants, without any color of right.

It appears incidentally that the inhabitants of Detroit had been regularly taxed to keep up the fortifications. In 1765, when Colonel Campbell was expecting to leave, a remonstrance was sent to him against these taxes as oppressive. The burden, however, does not seem to have been a new one. Not long after, a subscription was made by the traders and others, to put the fort

<sup>1</sup> At the same time, or within a few days, Pontiac made several other grants in the same vicinity, all four arpents by eighty.



and stockade in complete order. In 1766, a receipt is found for three pounds York currency, on a farm outside the fort, levied by Colonel Campbell for lodging troops.<sup>1</sup>

In 1765, Philip Le Grand appears to have been acting as justice of the peace, and notary, probably appointed by Bradstreet. He seems to have held the office for several years. In 1776, he acted in a matter where Philip Dejean was interested. He could not have done much except when the latter could not act, and there are some indications that Dejean was expected by General Gage to practically supersede Le Grand. The common law powers of a justice did not extend to the trial of causes, but only to the examination and committal of offenders.

In 1767, we find the first steps taken to provide for the administration of justice. On the 24th day of April, 1767, Captain George Turnbull, of the 60th or Royal American Regiment, Commandant of Detroit and its Dependencies, issued a commission to Philip Dejean, merchant in Detroit, of a somewhat peculiar and comprehensive character, which ran as follows:

"I do hereby nominate and appoint you Justice of the Peace, to Inquire into all complaints that shall come before you, for which purpose you are hereby authorised to examine by oath such Evidences as shall be necessary that the Truth of the matter may be better known; Pro-

1. Wayne Records.

vided always that you give no Judgement or final award but at their joint Request, and which by bond they bind themselves to abide by, but settle the Determination of the matter by Arbitration, which they are likewise to give their bond to abide by, one or two persons to be chosen by each; and if they cannot agree and have named Two only you name a third, and if Four, a fifth, and their Determination or award to be approved by me before put in Execution. I further authorise and Impower you to act as chief and sole Notary and Tabellion, by drawing all wills Deeds &c, proper for that Department, the same to be done in English only, and I also appoint you sole Vendue Master for such sales as may happen here, in the usual and accustomed manner. Given under my hand and seal at Detroit this 24th day of April 1767." (signed) *Geo. Turnbull.*

On the 28th day of July, 1767, Robert Bayard, major commanding, gave him a further commission, as follows:

"Whereas it has been represented to me by the Trading People and others reciding at Detroit that some Temperry form of Justice for the recovery of Debts &ca, was become absolutely necessary, and having taken this matter into consideration, and finding the utility of such an Establishment, I have accordingly granted them a Temperry Court of Justice to be held twice in every month at Detroit, to Decide all actions of Debts, Bonds,

Bills, Contracts and Trespasses, above the sum of Five Pounds<sup>†</sup> New York Currency, and confiding in Philip Dejean for his uprightness and Integrity, I do hereby nominate and appoint him the second Judge of the said Court of Justice at Detroit. Given under my hand and seal at Detroit, the 28th day of July 1767. "(Signed) *Robt Bayard, Major Commr at Detroit. To Philip Dejean Esqre.*"

The first judge was doubtless the Commandant, who always retained control of affairs.

Major Bayard at the same time established a fee-bill, approved by a committee of citizens. Mr. Dejean, of whom we shall hear further, was a merchant who had been unfortunate in his business. Within the next year he seems to have given occasion for complaints—apparently for extortion. But for some reasons not apparent—(although from his after life it may be assumed it was a peculiar influence at head-quarters) no one dared to come out openly and oppose him. On the 28th of May, 1763, at Dejean's request, Captain Turnbull called a court of inquiry, "in consequence of complaints made against him," who reported that they, "having Duely heard and carefully examined into the Grievances set forth by the said Philip Dejean Esqre, are of opinion *First*, That the Fees established by the Committee appointed by Major Robert Bayard on the establishment of the Court of Justice at Detroit are

<sup>†</sup> Twelve dollars and a half.

just and reasonable and ought not to be less. *Secondly*, That evry Prisoner confin'd in the Guard House, whether for Debt or Misdemeanor, shall on his being sett at Liberty, pay One Dollar, and evry Batteau or Canoe arriveing here loaded with Merchandize belonging to any Person or Persons not possessing in Property any Lot or Building within this Fort, shall pay Two Dollars, and the monies ariseing from thence to be aply'd as in the time of the French Government to keep in Good and sufficient Repairs the Fortifications around the Town, as will more fully appear in our form'er Petition to Capt<sup>n</sup> Turnbull for that Purpose. *Thirdly*, No Person having appear'd before us to make any Complaints against said Philip Dejean with respect to his publick office, we are of opinion that they were ill-founded and without cause." This is signed by *James Sterling, Colin Andrews, T. Williams, Will<sup>m</sup> Edgar, John Robison, Eustache Gamelin, P. St. Cosme, J. Cabacier, Cicote, T. Mollere, A. Barthe.*

It would seem that some movement was on foot to remove Dejean, as on the 26th of May a very brief certificate, whereby the signers "do vote for and unanimously approve of Philip Dejean to be Judge and Justice of the District of Detroit and its Dependencies" was signed by thirty-three persons, of whom five were French, and the rest English, Scotch and Dutch. On the 13th of June, 1768, a petition in French

was drawn up addressed to General Gage, and signed by twenty-five signers, to the same effect, the principal reason given being that Dejean "understands both English and French, and is therefore much better able to decide the difficulties which may arise between the ancient and new subjects of His Britannic Majesty." General Gage did not disturb the appointment.<sup>1</sup>

About this time a court of inquiry was held to pass upon Bellestre's title to several lots in Detroit, and he appeared before them and established his claims.<sup>2</sup>

Meanwhile Mackinaw had been re-established. In 1766 complaints were made that affairs were not going on properly there. The next year evidence was obtained that Robert Rogers, who was sent there in 1765, was intriguing by lavish presents and otherwise to get influence with the Indians, for the ultimate purpose, as was then supposed, of getting a separate colony or other establishment for his own emolument. He obtained the means by drawing large drafts which were not honored, and became involved very heavily, and completely demoralized the savages. He was afterwards charged with having meditated surrendering Mackinaw to the French or Spaniards, and was taken down to Montreal under arrest, and as some say in irons, and tried by court martial. He could not have been convicted

<sup>1</sup> Wayne Records, A, 35.

<sup>2</sup> *Id.*, B., 128.

of treason, for he was soon afterwards at large, and went to Algiers and entered the service of the Dey.

The narrative of his doings at Mackinaw, as given by the depositions which led to his arrest, shows that he must have had some designs inconsistent with honesty as well as loyalty, but it is difficult to say just what they were. A letter was intercepted from Colonel Hopkins, (who appears to have been well acquainted in Detroit, but through some discontent or other cause to have entered the French service,) urging Rogers, in a vague way, to gain over the Indians, and offering to use influence, if he should desire it, to get him employment from France. But the writer was evidently desirous of having the American colonies independent, and urges Rogers to strive for that ultimate end.<sup>1</sup> The letter is one of the earliest writings looking towards American independence. Rogers was unquestionably a dishonest and selfish adventurer, who was inordinately ambitious and unscrupulous, and his course gave much uneasiness to the British authorities. It is not likely he determined his course by any standard but his own profit or advancement. When the Revolution opened he played a double part, professing patriotism; but as the Americans had no faith in him he joined the British and obtained a colonel's commission,

<sup>1</sup> 7 N. Y. Doc., 988, 993. 8 N. Y. Doc., 36

but never distinguished himself, and passed into utter obscurity.'

The British Ministry, in March, 1768, wrote very strongly to Sir William Johnson in regard to both Rogers and Chabert de Joncaire, as dangerous and treacherous men, whose conduct revealed the necessity of "the utmost circumspection and attention of His Majesty's servants in America, as in the present state of some men's dispositions in that country, when one correspondence of that dangerous tendency is discovered, there is reason to apprehend there may be more of the same kind."<sup>2</sup>

The recent cession to Spain of the French possessions on the Mississippi very naturally suggested the danger of dealings by the discontented colonists with Spain. The idea of any independent resistance was not at that time familiar in England.

The Lake Superior country at this time assumed a temporary importance. Alexander Henry, on his second journey, examined the mineral country, which had been known long before to the French, though not worked. In 1768, Hillsboro' informed Sir William Johnson

<sup>1</sup> He raised a corps of American Tories called the Queen's Rangers, and after he went to England (about 1777) he was succeeded in its command by Simcoe, who was afterwards Governor of Upper Canada, and bitterly hostile to the United States.—See *Canniff's Settlement of Upper Canada*, p. 71.

<sup>2</sup> Hillsboro' to Sir W. Johnson, 8 N. Y. Doc., 36.

that an application had been made for a grant of all the lands within 60 miles of Lake Superior, and desired him to report on the subject.<sup>1</sup> His report has not, it is believed, been published, but Henry seems to have gone on his second expedition to explore for copper, and was probably in the scheme. He visited the east shore of the lake, and examined Michipicoten and Caribou Islands. At Point Iroquois, on his return, his companion, Mr. Norburg, of the 60th Regiment, found a semi-transparent blueish stone of eight pounds weight, which, on assay, produced sixty per cent. of silver. It was deposited in the British Museum. A mining company, consisting of several noblemen and other prominent men, including Sir William Johnson and Alexander Henry, opened a mine on the Ontonagon River, and did some work; but the inconvenience of access and other difficulties led to its abandonment. The great copper boulder<sup>2</sup> which Henry had visited in 1766, and from which he had cut with an axe a piece weighing 100 pounds, was the attraction which led to the enterprise. It was an object of superstition among the Indians, who never disturbed articles left on it.

<sup>1</sup> 8 N. Y. Doc., 92.

<sup>2</sup> This was about thirty years ago taken to Washington by Julius Eldred, of Detroit, and it is now in the possession of the Government. Several masses much larger have since been taken from the mines, but this is the largest mass ever found as a boulder at a distance from any mining ground.



As no such grant was ever set up afterwards, and as the Indian title was not extinguished till within the last forty years, it is probable nothing was obtained beyond a license. The ideas of these early speculators were not limited by moderate bounds. The first attempt to get access to the mines in our day was in 1822, when a company of persons in New Jersey sought to get a grant of 40,000 acres of the same lands, to be selected in parcels and not in one tract, at a rent to be fixed at that time.<sup>1</sup> The proposition was not accepted.

The Mackinaw settlement was long without any great importance. The post had become less valuable than in the days of the French. At Detroit, although some of the people had gone westward, there was a steady but slow increase, and the inventories of estates show that domestic animals were abundant. By confounding the estimates of the people within the fort with those of the settlement, some confusion and apparent contradictions have arisen. The settlement, as early as 1774, extended on both sides of the river, for several miles above and a few miles below the fort. Although no Indian land grants were lawful, yet as before mentioned, several were connived at. The Potawatamie village and cemetery, then below, but now within Detroit, were conveyed by that tribe to Robert Navarre the younger, and Isidore Chêne, on the charge

<sup>1</sup> 4 St. Papers, Pub. Lands, 341.

that the several grantees should dwell there and care for the dead. The Navarre sale was approved by Major Bassett, in 1772. That to Chêne was sanctioned by Lieutenant Governors Hamilton (in 1776), and Sinclair (in 1781.)<sup>1</sup> In 1774, Major Bassett, on the complaint of the inhabitants that their lands were encroached upon, appointed James Sterling to survey them, and directed that his surveys should be conclusive. The people, since the Pontiac war, had not been disturbed, and many who had before lived in the fort were now dwelling on their estates.

The King's Receiver collected the same dues which had before accrued to the French Government for annual rents and fines of alienation. Captain Turnbull in one case (and very likely in others) commuted the dues of a farm four arpents wide for "*six slay loads of wood, French measure.*" The *traineau*, drawn by one pony, usually held about one-third of a cord, so that this made about two cords, in lieu of one bushel of wheat, and four livres, two sols, cash or peltries.<sup>2</sup>

The *commission de grand voyer* (road commissioners) had charge of roads and bridges, and apportioned the taxes for their support. Where a bridge was a private charge, it was allowed to relieve the owner from other bridge taxes to the amount of its expenses.<sup>3</sup>

In spite of their increasing prosperity, the British refused to give the people any government.

<sup>1</sup> Wayne Records, A., 256-7.

<sup>2</sup> Id., 116.

<sup>3</sup> Id., 158.

Although Johnson and Shelburne, as well as others, had urged it, and the two Franklins were unwearied in their efforts, the Board of Trade settled down upon the selfish course which was so soon to arouse resistance in all the English-speaking colonies. Their whole policy was "to prevent manufactures."<sup>1</sup> This they thought "would not be promoted by these new colonies, which being proposed to be established, at the distance of above fifteen hundred miles from the sea, and upon places which, upon the fullest evidence, are found to be utterly inaccessible to shipping, will, from their inability to find returns wherewith to pay for the manufactures of Great Britain, be probably led to manufacture for themselves." They meet the argument that such colonies will raise provisions, in this way. "The present French inhabitants in the neighborhood of the lakes, will, in our humble opinion, be sufficient to furnish with provisions whatever posts may be necessary to be continued there; and as there are also French inhabitants settled in some parts of the country, lying upon the Mississippi, between the Rivers Illinois and the Ohio, it is to be hoped that a sufficient number of these may be induced to fix their abode, where the same convenience and advantage may be derived from them. \* \* \*

The settlements already existing, as above described, which being formed under military establishments, and ever subject to military authority, do not, in our humble opinion, require any further superintendence

<sup>1</sup> Mills, 30.

than that of the military officers commanding at these posts."<sup>1</sup>

X The necessity of conciliating that part of the Province which was well settled, and had been before under laws and civil institutions, led to the enactment, in 1774, of the Quebec Act, whereby, ostensibly, the whole country was to be assured these privileges. It was delusive everywhere, and the Historian Garneau finds a lack of words to express his indignation at the course pursued under it.<sup>2</sup> By our Declaration of Independence it was denounced as unfavorable to liberty. If the Detroit colonists heard of it, it was but as a distant rumor of something which did not affect them. No newspapers then circulated in the Province, and the Michigan colonists, perhaps, would not have seen them if they had existed. Nevertheless, stirring times were approaching.

<sup>1</sup> Mills, 32.

<sup>2</sup> Garneau, *passim*.

## CHAPTER VIII.

### MICHIGAN UNDER BRITISH LAW.

IN 1774, an act was passed by the British Parliament, commonly called the Quebec Act, by which the entire British possessions west of New York, north of the Ohio, and east of the Mississippi River, were incorporated into the Province of Quebec, and made subject to its government. The laws of Canada, as they had been in force before the Conquest, were nominally made the rule of decision in civil matters, and the English law in criminal matters; and this has been quite generally supposed to be the scope and chief design of the statute. If this had been so, the strong condemnation of this Act in the Declaration of Independence would have been exaggerated. It is there described as an act "for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and a fit instrument for introducing the same absolute rule into these colonies."

Although this statute was smuggled through the House of Lords, and urged in the Commons, as an act of justice to the Canadians, it was

contrived and really intended to prevent settlements in the colony, and discourage Englishmen from going there, by depriving them of the benefit of English law, both civil and criminal. Hillsborough and Thurlow had combined to resist all new settlements, and when Franklin had at last succeeded in obtaining the consent of the council to establish a colony south of the Ohio, Thurlow contrived to prevent the sealing of the order.<sup>1</sup> When the Quebec Act was sent down to the House of Commons, the course of the Ministry was such as would not be tolerated in modern times. Burke, Colonel Barré, Fox, and many other distinguished men, opposed it bitterly. But, before discussing its provisions, calls were made on the Government for information and documents in the public offices, and for the official opinions of the law officers of the Crown on various matters laid before them. This information they failed to get. The law officers who were summoned before the House refused to make any disclosures, on the ground that their opinions belonged to His Majesty. Dr. Marriott, the civilian, not only refused to make disclosures of the tenor of his official reports, but treated the other questions put to him in a strain of impertinence not often paralleled. The opposition succeeded in correcting a few defects, and in procuring for the inhabitants a right to make wills according to either English or French law. But beyond this they had no success.

<sup>1</sup> 5 Bancroft, 47.

The statute, while establishing nominally the Canadian and English law, as furnishing rules of decision in civil and criminal cases respectively, made no attempt to determine what were to be deemed the old laws of Canada, although there had been much dispute upon that subject. Chief Justice Hay, of Canada, who was a witness before the House, admitted he knew nothing about the French law; and when an objection was made to the act that it put all the existing judges out of office, it was answered by an assurance that they would be continued. The whole legislative power was put in the hands of the Governor, (and in his absence the Lieutenant Governor or Commander-in-Chief) and a council of not less than seventeen nor more than twenty-three, all appointed by the Crown, whose acts might be reviewed by the King in council. All the ordinances of the Province, whether under French or British authority, were annulled. No provision was made for a future assembly, except as a possibility. Ordinances of the new legislative board extending imprisonment beyond three months were to require the Royal approval, but there was no limit to the imposition of fines or forfeitures. No provision was made for the regulation of courts, which were left entirely at the pleasure of the King, to create and regulate as he chose. An attempt to introduce a right to the writ of *habeas corpus* was opposed by the Ministry, and defeated. The claim that a repre-

sentative legislature should be introduced, was resisted on the ground that there were less than four hundred Englishmen in the Province, and that although the French population had become numerous, the idea that they should have any such civil rights was preposterous. They were spoken of as if they had no claim to be regarded as British subjects, but only as a conquered people holding all their privileges by favor. When Lord Mansfield was attacked by Lord Camden for his course in sustaining the bill, as inconsistent with his former advocacy of the rights of the Canadians, he practically recanted his old assertions, and went all lengths with Thurlow. Mansfield, with all his ability as a judge, was no friend to freedom. The House of Lords, on the return of the amended bill from the Commons, was compelled to listen to Chatham and Camden, who with sound law and manly eloquence denounced the atrocious measure, and were answered with nothing better than the impudent audacity of men who cared nothing for colonial liberty, or for any human rights beyond the four seas. Even Ireland was pressed into the service, to show that Canada was treated in the same way, and that there were already places under the control of the Government where the writ of *habeas corpus* was denied.

It was soon made manifest that Canada was to be governed by unmingled Royal prerogative, and used to annoy the other colonies. The control of



Indian affairs was taken away entirely from the English-speaking colonies, and centred in Quebec. Judges were appointed who had no knowledge of French law, and the Governor and Council showed no desire to supply the deficiencies of the Act. Sir Guy Carleton, afterwards Lord Dorchester, was much respected, but not calculated to manage civil reform.

Within a few months repeated protests and petitions came to England from the British and French people of the Province, but when they reached official custody they were laid aside without notice.

When Lord Camden presented such a petition in the House of Lords, he was much abused for doing so, and the Lords on the Government benches admitted that they had received and suppressed such documents, and insisted he had no right to introduce it. Chatham and Camden labored zealously for the repeal of the Quebec Act, and claimed that its mischief had now become palpable. But they failed, and their bill was defeated, after a hard fight in both houses. It is stated that an intimation was given to the petitioners, (who especially demanded an assembly and *habeas corpus*,) that they might have what they chose if they would allow the principle to be maintained that Parliament had an unlimited right of legislation over the colonies. This principle apparently was not manifest to the petitioners. In the original Quebec Act, as it went down to the Commons, the right in the colonial authorities to levy any taxes whatever was pro-

hibited. In the Commons an amendment was obtained, allowing the council to impose such taxes as the inhabitants of the various local districts should vote for roads, buildings, and other local purposes; but this was all.

It is a matter worth recording that at the head of the Quebec committee on the principal petition, which was signed by nearly every leading person of British origin in Quebec and Montreal, stands the name of Zachary Macaulay. This patriotic gentleman, from his peculiar name, must have been a kinsman of the able man who afterwards became one of the principal supporters, if not the originator, of the movement against the slave trade, and was a friend and counsellor of Clarkson and Wilberforce, and the other "wise men of Clapham," who were always on the side of free institutions. The fame of that second Zachary Macaulay has been overshadowed by that of his eminent son, Lord Macaulay, the historian. His relationship to the Quebec merchant is not known.

Although in the lower parts of the Province, where the settlements were more dense, the system of government assumed an external appearance of legal formality, no attempt or pretence was made to relieve the western region from martial law. A lieutenant governor was sent to Detroit, who had almost, if not quite, absolute authority. Henry Hamilton was first appointed in that capacity, and he arrived at Detroit in 1775. The old system was to terminate May 1, 1775. It was not till 1788 that

any courts whatever were established in Upper Canada. In that year, on the 24th of July, Lord Dorchester, by proclamation, created four districts in Upper Canada. The District of Hesse embraced all the country west of Long Point, on Lake Erie; and as Detroit was still retained in British possession, it came within the jurisdiction of that district.<sup>1</sup> The courts were called Courts of Common Pleas, being courts of record, with a clerk and sheriff. Their jurisdiction was plenary, with no appeal unless to the Governor and Council.

These judges were not bred to the law, as there were no lawyers in Upper Canada until 1794. They were generally men of wealth and influence, and in civil matters their judgments were probably just. They knew nothing of criminal law, and banished, imprisoned, whipped or pilloried, such unlucky culprits as were convicted before them. It is erroneously stated by Canniff that the first person hanged in Upper Canada was convicted before Judge Cartwright, of the Mecklenburg District.<sup>2</sup> The honor (or dishonor) of that judicial exploit belongs to Judge Dejean, although there were perhaps some court-martial capital convictions before.

These lay officials of all ranks in the remote districts magnified their office. The Wisconsin annals contain many curious anecdotes of one Réaume, who in early times had a commission as justice of the peace at Green Bay, which is said (perhaps incorrectly) to have run through various

<sup>1</sup> Canniff, 506.

<sup>2</sup> Canniff, 508.

régimes without renewal, and to have served as a support for judicial powers at discretion. An ancient settler,<sup>1</sup> in his reminiscences, speaks of it as rather creditable to Judge Réaume, that he never inflicted capital punishment. In emulation of the great Oriental potentates, but lacking a signet, he summoned parties before him by sending his jack-knife, in lieu of process; and no one who saw the symbol ventured to disobey. His judgments were also Oriental. Where specific duties had been violated, he granted specific performance. In other cases, he served the ends of justice by requiring the party or parties in fault, (for sometimes he gave judgment against both,) to furnish him a supply of wood, or work in his garden. As, during his long term of service, he was within the jurisdiction of Michigan, we can safely claim the fame of this worthy magistrate for our own glory, whereof *pars magna fuit*. He has not been without followers in our State county courts, when for a few years the Law Reformers assumed the mantle of Jack Cade, and tried causes by the light of nature. A very upright magistrate of this stamp, some twenty-five or thirty years ago, having a culprit before him, charged with larceny, of which there was no proof, deemed it his duty, nevertheless, to convict him; because, though innocent of the charge in question, he had committed depredations on the judge's woodpile, and thereby disturbed the peace and dignity of the State of Michigan.

<sup>1</sup> Grignon's Narrative.

The Common Pleas Judges of Detroit were usually educated and intelligent gentlemen, whose decisions received and deserved respect. It was not remarkable that such of them as were of French extraction, and entirely ignorant of British law, should commit blunders and exceed their powers. These latter have not generally been guilty of intentional wrongs, but it was a long time before they had the means of knowing anything about legal matters, and under martial law they went very far.

The first Judge of Common Pleas for the District of Hesse was the Honorable William Dummer Powell, whose reputation has not been questioned. He was appointed in 1789, and assumed his functions in 1790. It is supposed the office had been declined by some previous appointee,<sup>1</sup> (conjectured to have been William Robertson,) as all the other judges, and the clerk of Hesse, were appointed in 1788. Gregor McGregor of Detroit was appointed by Lord Dorchester sheriff, and Thomas Smith of the same place, as clerk and commissioner of the peace, on the 24th day of July, 1788, the day when the districts were created.<sup>2</sup> Thomas Smith according to General Cass, was in 1794 captain of a company of militia associated with the Indians, when Wayne routed them before the British fort at Maumee, and was killed in that battle.<sup>3</sup>

<sup>1</sup> Canniff, 507. <sup>2</sup> Wayne Records, C., 380. <sup>3</sup> Cass, Historical Lecture.

The court held its first session in 1790, and an execution sale of lands (an innovation on the common law) was made by Sheriff McGregor, under a judgment rendered in August, 1790.<sup>1</sup>

But this is anticipating. Until the action of the Governor General, in 1788, the Detroit settlement and its dependencies, including all the western posts, remained without any civil government. Although the preamble of the Quebec Act gave as a reason for its enactment the fact that, under the King's Proclamation of 1763, there were several colonies and settlements which had been left without any provision for civil government, neither the act itself, nor the administration under it, made any approach toward such a provision, until five years after the Treaty of Peace of 1783 had rendered the retention of possession of Detroit by the British a wrongful and arbitrary usurpation.

Accordingly we find Mr. Dejean continuing in his old functions. As he kept the public records, any new appointments would probably have been recorded as carefully as the old ones. He was evidently one of those men who had qualities which made him useful, and possibly gave him the means of securing himself against opposition. In October, 1774, he used the public records in his custody to perpetuate an apology from George Meldrum,<sup>2</sup> for some abusive language used by the

<sup>1</sup> Wayne Records, C., 380.

<sup>2</sup> *Id.*, A., 278.

latter at a public assembly, and for which he declared his regret as having been the result of intoxication. What the particular charges were which the wine unloosed, does not appear, nor is anything said of their falsehood, but it is plain it was not safe to offend Mr. Dejean.

In March, 1775, occurs a curious illustration of the limits of his judicial powers under his old commission to the presidency of a board of arbitration. One Francis Milhomme was charged by John Peck with having stabbed him in the stomach. Thereupon James Sterling, John Porteous, (British merchants,) and Dupéron Baby and Benoit Chapoton, (French citizens,) were chosen arbitrators, but did not agree. William Edgar, having been made umpire, gave his opinion, to which the rest assented, that Milhomme "do pay unto the said John Peck sixty Pounds New York currency, and give such security for his future behaviour as the Commandant may think proper." Mr. Dejean then, as justice of the peace, took Milhomme's recognizance with sureties, to keep the peace and for his good behavior, reciting that he was then detained in prison for the offence. The instrument is drawn up in French, but is an exact and formal recognizance, answering precisely to the best precedents. Dejean had evidently a good knowledge of legal forms, and although, perhaps wisely, he paid no attention to that part of his commission which directed him to use the English language, he was well enough

qualified, so far as intelligence went, for his position. His records of depositions and legal entries, as well as his conveyances, show him to have been thoroughly educated. There must have been some good reason undisclosed why such a man was confined by the earlier commandants to the business of a conservator of the peace, and allowed no broad powers. So long as Detroit remained subject to the rule of the commanding officer, before the Quebec Act, there was nothing made public to indicate that Dejean had done or could do anything seriously out of the way. The commanders did not venture to trust his discretion.

In the beginning of June, 1775, for some reason or other, the merchants of Detroit found it necessary to take steps themselves to prevent the sale of rum to the Indians, and they adopted very stringent rules to bind themselves, and to keep others from transgressing. James Abbott, James Sterling, Alexander Macomb, and John Porteous, were appointed a committee to enforce the rules. A penalty of three hundred pounds York currency was imposed for any infraction. All questions were to be settled by arbitration, and the committee were empowered to distrain property to enforce the award. The whole matter was carefully kept out of the courts.

The arrival of the Lieutenant Governor made a change in various ways, and the few circumstances which have come to light during this period show unmistakable evidence of a more



arbitrary system. The Boston Port Bill which changed the government of Massachusetts, and that for trying American offenders in England and depriving them of trial by a jury of the vicinage, were introduced with the Quebec Bill, and as parts of one scheme. The Ministry had inaugurated a period of high prerogative. Hamilton came out prepared to be as tyrannical as circumstances might require. Although Detroit was not within reach of communication with any of the English common-law settlements, it commanded the whole Indian country, and he was ready to use any means to hound on the Indians against the American malcontents. In December, 1775, appears the first and apparently the only case where any one in the settlement came under suspicion of disloyalty, and the subsequent experiences of this gentleman seem to show that, while he was probably loyal enough, in the proper sense, it was not safe in Detroit to be very plain spoken. Garret Graverat, (a name very familiar to the old residents of Michigan,) one of the Albany traders who settled in Detroit, was, in December, 1775, compelled, (so far as appears without any complaint or showing,) to give bail in four hundred pounds sterling, conditioned that he "does not correspond with, carry intelligence to, or supply any of his Majesty's Enemies, nor does anything Determental to this settlement in Particular, or, against any of his Majesty's good subjects, during the space of one year and one

day," &c. The form of this document is not equal to Dejean's own recognizances, although nominally taken before him, and it is very comprehensive and open to dangerous construction.<sup>1</sup>

On the 18th of March, 1776, a transaction took place which has been much discussed, and was certainly peculiar. It shows Dejean going very much beyond his old commission, and it has been assumed as the act of an ignorant and mulish magistrate, incited or favored by a lieutenant governor, careless of law and propriety. Facts recently discovered, and not before published, show that the proceeding was not a hasty one, as it was not one done in ignorance. How far they divest it of its supposed atrocity cannot be so easily determined. It is evident there is much in its unwritten history yet unknown.

On that day a mixed jury of twelve persons (six English and six French) found a special verdict, in the form of an inquest, convicting a Frenchman named Jean Contencinau, of stealing furs from Abbott & Finchley, (a commercial firm in Detroit) and Ann Wyley, a negro slave, of stealing or being accessory to stealing a purse of six guineas from the same, found on her person. They were both tried for attempting to set fire to the house of Mr. Abbott, but as to this the jury were not satisfied, although they said the circum-

<sup>1</sup> The narrative of Mr. Dodge, of his treatment at Detroit during the Revolution, by Hamilton and Dejean, places them in a very unfavorable light.

stances were very strong against the prisoners. Upon this verdict Dejean sentenced them to be hanged on the Domain, and this sentence was carried out a few days afterwards. Dejean's address to the prisoners has been preserved, and is published, with the verdict, in Lanman's History.<sup>1</sup> There is one serious error in the translation, which represents him as stating Ann Wyley was "accused" of the crime of stealing, whereas she was found by the jury to have been "accessory" to it, and doubtless this is what the judge said. It is said that Carleton and the Chief Justice proposed, when they heard of this execution, to have both Hamilton and Dejean arrested and taken to Quebec for trial. If so, the stirring times probably interfered to prevent it, for both remained in Detroit more than two years unmolested. Sir Guy soon left his office for military duty, and was succeeded by Haldimand.

Recent searches have brought to light the result of two preliminary examinations of Contencinau held by Dejean as justice of the peace; and it appears that, instead of being a summary proceeding, nearly a year and a half elapsed between examination and trial, and a much longer time between the commission of the offence and the conviction. And it also shows either that the examination was unfair, (and this does not seem likely) or that some of the testimony failed before the trial. Ann Wyley made no confession—or at least signed none. Contencinau signed two, or

<sup>1</sup> Pages 133, 134, 135.

rather affixed his mark. At the second, Captain Lernoult, the commanding officer, was present, and certified that the statement was read to the prisoner in his presence, and he confessed to its several articles. From this confession it would appear that on the 24th of June, 1774, Ann Wyley, who was a domestic slave of the house, gave Contencinau a cartridge to use in setting fire to the house. He took it and wrapped it up with more powder in a linen cloth, and when the family were at dinner put it on a shelf and fired it, and then carried off the money-box and gave it to Ann. That evening she gave him several dollars in specie and bills, and also handed him the casket to burn, which he did. He and one Landry both confessed to stealing furs, and Contencinau admitted stealing some knives. Jane Wassenton, (Washington,) a soldier's wife, testified to having various articles left with her on false pretexts by both Jean and Nancy, and that the latter, in sending a lot of soiled linen for the wash, included some of Jean's shirts, in a pocket of one of which she found a green purse containing six guineas, which Jean claimed he knew nothing about, and charged Nancy with concealing there. The last examination was November 2, 1774. The evidence was enough to put the respondents on trial. The only explanation of the delay is that no one was authorized to try a prisoner for a capital felony, and Captain Lernoult probably did not care to venture on exercising or conferring such a power. Under the Quebec Act,

the offence could have been punished, if there had been any court, or any ascertained venue, but Detroit was unattached to any county, and there were no courts. The delay of a year, from the spring of 1775 to that of 1776, was too long to be accounted for, except on the idea that Hamilton either consulted the authorities at Quebec, or sought light from some quarter. As both he and Dejean were both afterwards within reach of civil and criminal jurisdiction, and not only were not prosecuted, but Hamilton was made Governor General of Canada, it may be doubted whether the statement of their intended arrest was not erroneous. The trial was apparently a fair one, and the jury did not convict of arson which was made out on the examination. If there was any irregularity, (although Ann Wyley could not technically have been held on such a finding,) it did not go to the general merits; and the jury was made up of the best citizens of Detroit. The punishment was according to our notions beyond justice, but it was in accordance with the spirit of the laws of England. Dejean's address was humane and temperate. It seems difficult to believe that after such long delays he would have ventured upon an act which he had shrunk from before, without some assurance of its legality or some powerful prompting; and the case was not otherwise one of public concern. Of course the act was illegal, and both he and the Lieutenant Governor were liable to punishment for it.<sup>1</sup>

<sup>1</sup> The appointment by the Crown of a special trial commission, would have involved creating auxiliary local officers and magistrates, which would

There is, on the other hand, full reason to regard him as implicated with Hamilton in his various official transactions, and he was evidently a favorite and confidant, and probably a very accommodating one. He was made Secretary to the Lieutenant Governor, and given the only remaining lucrative post in the settlement—that of King's Receiver; so that he was at once justice of the peace, judge, notary, auctioneer, recorder, receiver of moneys, and private secretary. A man must have been very virtuous, or very subservient, to get control of all the paying public business of the post; and events showed that Mr. Dejean felt safest with his patron.

There is very little of interest to be learned concerning the Michigan settlements during the revolutionary period. Under the illegal Indian grants, which the commandants had found it necessary or desirable to sanction, (as their own were usually much larger than those of private citizens,) settlements crept slowly along the great water-courses, reaching the St. Clair River to the north and the Raisin on the south. Several grants were made by the commanders at Mackinaw, on the mainland, and on Bois-blanc Island. Grosse Ile and Hog Island, in Detroit River, were granted—the former, with some smaller islands near it, to Alexander Macomb, and the latter to George McDougall.

The sentiments of the French settlers towards Great Britain were in general loyal. They had no

have given permanent civil government. While this was promised by the implications of the Quebec Act, it was not intended by the Ministry to be fulfilled.

intimate relations with the American colonies, and had never been in the enjoyment of such civil rights as made the British rule irksome, merely because despotic in form. There were other grievances which they felt heavily, but which did not form any peculiarly close bond of sympathy with their American neighbors. The old war with France on this continent was conducted effectively by American troops, and there had been for a long time a jealousy between Canada and the other colonies. One immediate object of the Congress at Albany, in 1754, was to furnish more effective protection against French hostilities. But the evident disregard of England for the feelings and customs of the Canadians, the cruel treatment of the Acadians, and the haughty insolence which for many years after the conquest the original settlers of Canada had encountered, as if they had no rights in the country, did not fail to dampen their attachment for their new sovereignty, although it failed to excite them to rebellion. The greatest evil of the French colonial system was its complete centralization. Nothing was left to people or communities; and however desirous the settlers might have been to assert themselves, they lacked those habits of organization which from inheritance and usage were instinctive in British and American society. They were brave and manly, but they had not learned to make their own leaders. Their discontent impelled them as a body to nothing more dangerous than neutrality, and when they went into

the military service at all, it was not strange that they enlisted under the British flag and fought with spirit. Some care seems to have been taken at Detroit to conciliate Frenchmen of influence, and commissions in the militia were given to prominent citizens. There was no period during the Revolution when any success worth mentioning attended the efforts of the Americans to conciliate the French Canadians, except in Kaskaskia and Vincennes, although a close alliance was kept up with France, and many natives of that country were found in our own army as well as among the auxiliaries. The British residents, as is not unusual in colonies, were more bitter and vindictive than any other portion of the King's subjects. If there were any American sympathizers in Detroit, their names have not come down to us; unless Garret Graverat was one, which is not altogether unlikely.

Both governments saw from the beginning the importance of Detroit. As the influential centre of all Indian affairs, whoever occupied it controlled their movements. The settlement of Ohio, Indiana and Illinois, by Americans, was sure to lead sooner or later to a control over the remainder of the Northwest. If the Americans secured their independence, those countries, if settled at all, would become American States.

The British could only secure their dominion in this region by preserving it as a wilderness. The plan was early adopted of depopulating so much of the western country as was settled by



Americans, and of keeping off inhabitants by rendering it unsafe for them to go there. Deliberately and remorselessly the plans were laid to excite the Indians to indiscriminate slaughter, and from 1775 to 1814 the tribes were urged on and stirred up by British commanders or emissaries against the American settlements. Men who were usually reasonable and humane in their own transactions, felt no compunction against inciting the savages to the worst cruelties; and gentlemen and scholars paid rum and money to their brothers in ferocity for the scalps of women and children slain at their bidding. There are names that no American borderer has yet learned to speak, without finding it hard to restrain a malediction.

The Lieutenant Governor of Detroit controlled all the western posts. At that time the next in importance was Mackinaw. Kaskaskia and Vincennes were the only two remaining points of prominence. Rocheblave, a Frenchman, commanded at Kaskaskia, and Lieutenant Edward Abbott at Vincennes.

The well-known policy of the British Government, which drew forth the eloquent invectives of Chatham and many other statesmen, was accepted by Hamilton without hesitation or reluctance, and he readily offered to assume the office of setting on the savages. He gained their adhesion and aid by the usual methods, and found about him emissaries enough to help him. Several raids were made upon the settlements in Ohio and

Kentucky, till at length George Rogers Clark set out from Virginia, and began to change the face of affairs. It was not long before he captured Kaskaskia by surprise and without bloodshed, on the fourth of July, 1778. Rocheblave was taken to Virginia as a prisoner of war. His wife contrived to conceal or destroy his papers. The French people of Kaskaskia, after having their fears excited by apocryphal stories of the ferocity of the Long Knives, and expecting the fate of their Acadian kinsmen, were agreeably surprised at meeting very friendly and cordial treatment; and Clark's judicious management secured their attachment. By their means Vincennes surrendered without a struggle; and the hostility of the Indians in that quarter was quieted.

The news of this mishap caused some excitement in Detroit, and Hamilton began preparations for raising a force to reconquer the country. He finally set out early in October, and Major De Peyster, commanding at Mackinaw, sent out Langlade to go to the head of Lake Michigan and rouse up the Indians. Hamilton reached Vincennes about the middle of December. At this time, by reason of General McIntosh's failure to do what was expected of him, Captain Helm and one soldier made up all the garrison. As the army approached it, Helm planted a loaded cannon in the gateway, and refused to surrender without the honors of war, which were granted, and the garrison of one officer and one private marched out accordingly. Hamilton now

dismissed his Indians for the winter, intending in the spring to organize a large expedition and sweep the borders.

An expedition against Detroit had been planned the same summer, but it was broken up mainly by the delays of General McIntosh. At the same time predatory excursions went out from Detroit. Isidore Chêne (a Detroit Frenchman, and an adopted chief among the Indians,) set out with a few Canadians, and a large body of savages, on a marauding expedition, which was conducted in the usual fashion. In August they appeared before Boonesborough, and demanded a surrender. Boone had just returned from an Indian captivity. In February, 1778, he had been taken by the Indians to Detroit, and had been kindly treated there, but the Indians, who had taken a fancy to him, refused to let him be ransomed. Remembering this, Boone was inclined to place some confidence in Chêne's promise of fair treatment, and agreed to meet him with eight comrades outside of the fort, but under cover of his garrison's guns. After terms were made, the Indians treacherously endeavored to seize Boone and his associates, but the marksmen shot down the leaders, and they got back safely through a cross-fire into the fort, from which the assailants, after a siege of ten days, and such a waste of ammunition that the garrison picked up 125 pounds of their bullets, retired with considerable loss.

Clark, having learned Hamilton's plans, did not wait for spring, but started for Vincennes on

the 7th of February, with 176 men, partly French volunteers. The country was almost impassable, and no thought of danger entered the mind of the Governor. On the 23rd of February, Clark, whose men had marched several miles through water, appeared before the town and began the attack. It was kept up until the next morning, with no loss to the Americans, who kept well under cover, and, being good marksmen, picked off the gunners through the ports. At nine on the morning of the 24th, Clark demanded an unconditional surrender, in very explicit and not altogether civil terms. Refusing to grant a truce, he agreed to meet Hamilton at the church, about eighty yards from the fort, who came there with Major Hay. Clark through this interview adhered to his demands, and gave as a reason, when asked, that as the principal Indian partisans from Detroit, including Major Hay, were with Hamilton, and as their course had been so atrocious, he would on no account give up the right to deal with them as he saw fit. The capitulation was made that afternoon. Clark during the parley had become more favorably impressed with Hamilton, and consented to better terms. A few days thereafter, a company from Detroit of forty men under command of Mr. Adhemar, with supplies and despatches for Hamilton, was captured on the Wabash. Dejean was with them, having gone, it is said,<sup>1</sup> to obtain means of justifying himself for his judicial excesses before mentioned.

<sup>1</sup> C. I. Walker's Address.

Thomas Williams was acting in Dejean's offices of justice and recorder in March, about the time of his capture, probably by appointment of the local commander, but if Dejean was under censure—possibly from superior authority.

A part of the prisoners were discharged on the usual terms, and returned to Detroit. Hamilton, Hay, Dejean, (who figures as Grand Judge of Detroit,) Lamothe, an officer in the Indian Department, and Jonathan Schiefflin, with a few others, were taken to Virginia. Hamilton, Hay, Dejean and Lamothe, were put in irons. The rest were paroled. The severity exercised towards the former, was because they had been especially responsible for Indian atrocities, and had offered rewards for scalps instead of prisoners. Governor Jefferson and the Virginia Legislature refused to exchange them or mitigate their treatment, which Washington admitted was richly deserved, although he urged its relaxation on other grounds. Finally they were released from their irons, and Lamothe and Dejean having given the somewhat stringent parole demanded of them, (which General Washington said was the same required of our officers,) were allowed to go to New York. Dejean never came to Detroit again. Hay and Hamilton, after holding out a long time, finally gave their parole also, and were released. Hamilton said afterwards that this imprisonment continued twenty-two months.<sup>7</sup>

<sup>7</sup> Wayne Record, C, p. 392.

During Hamilton's absence in Vincennes, the fort at Detroit was in command of Major R. B. Lernoult, (sometimes erroneously written Le Noul't,) who, anticipating an attack from below, built a new fort on the rising ground then called the second terrace, (between Griswold and Wayne, Congress and Michigan Avenues,) which remained until about 1827. This was called Fort Lernoult, until the Americans changed its name to Fort Shelby.

Major De Peyster, of Mackinaw, sent out in the spring of 1779 a second expedition to join Hamilton in Illinois, but his capture foiled it, and that country remained in American hands thereafter. Had it not been for this, the boundary might have been fixed at the Ohio instead of the lakes.

De Peyster was sent to Detroit to succeed Hamilton, but was not made Lieutenant Governor. The only others who held that title were Patrick Sinclair, De Peyster's successor at Mackinaw, and John Hay. From this time on, although the forays continued with unabated fury through the Revolution, the Indians were encouraged to bring in live prisoners.

Major Arent Schuyler De Peyster, who came to Detroit in 1779, was a man of some distinction, and although on some occasions very arbitrary, was undoubtedly a good officer. In one respect his course was open to criticism. The largest number of Indian grants ever made at one time

during the legitimate British possession, were made in July, 1780, soon after his arrival; and the largest one of those (of 5,000 acres) was made to himself. Many years afterwards he relinquished it to a nephew, but it was so plainly illegal that it was not respected. He also made some large concessions of public property without legal right, to Captain Bird and others. From the numerous indications of his character, appearing in records and elsewhere, the general inference is favorable. He had some literary pretensions, was a *bon vivant*, patronized liberally the card-parties, balls and assemblies, and was very happy in his domestic relations, though childless. On occasion he performed the duties of chaplain, and in that capacity married Thomas Williams (father of Gen. John R. Williams) to Miss Cecilia Campau, on the 7th of May, 1781. John Kirby, of Grosse Pointe, was baptized by one of the commanding officers, and this is said not to have been an uncommon occurrence. Whether Major (then Colonel) De Peyster performed this rite also does not appear, but it is quite likely. In many respects one is reminded, in considering him, of a modernized and slightly toned down Baron of Bradwardine. In his latter days he retired to Dumfries, where, in 1796, he commanded the volunteers among whom Burns was enrolled,—the “awkward squad” whom he did not wish to fire over his grave. Very kindly relations existed between the veteran and the poet, who addressed and dedi-

cated one of his latest poems to his old friend and commander.

He was unquestionably arbitrary in his official dealings, but probably no more so than his own predecessors, who did pretty much as they pleased. In the summer of 1783, upon the application of one Cuyler, who came on from the east to collect a claim of Garret Graverat, De Peyster compelled the latter to turn over to Cuyler more than ten thousand dollars worth of furs and other property belonging to the firm of Graverat & Visgar and their late partner Colin Andrews, under duress of being sent down immediately by boat to the lower country. Graverat, to prevent the ruin of his Detroit business, submitted; but entered a formal sworn protest on the public records. As De Peyster, when he retired, went abroad, there was no opportunity to hold him responsible in the American or colonial courts; but it was an atrocious act of tyranny, done without even a hearing, and with profane threats unbecoming an officer. As the existence of the treaty of peace must have been known before this time, and the exercise of extreme and summary violence was as much against English as against American law, such conduct can only be accounted for on personal grounds; and the explanation must probably be found in Graverat's being obnoxious to the commander. If he was an American in feeling, the success of the American arms, and the annexation of Michigán to the



United States, might very naturally have embittered such a fierce loyalist as De Peyster against him.

In 1778 there is a record of quite as summary an order by Lieutenant Governor Hamilton, stopping the sale of a negress whose ownership was questioned, and sending her to Rocheblave at Kaskaskia to have the matter examined, instead of having it tried in Detroit.

In 1780, Captain Bird's famous expedition set out southward, and among other depredations, destroyed several Kentucky settlements. This was organized at great expense, under orders of General Haldimand, who had succeeded Sir Guy Carleton in his command of the Province. The expenses of outfit at Detroit alone were nearly or quite \$300,000. Bird found it difficult to restrain the Indians, who made complete work; and it is supposed that motives of humanity induced him to suspend going further. The inhabitants were made Indian prisoners, and stripped of all their possessions. In August, 1784, Bird, in selling a mulatto woman, warranted his title by stating that at Martin's Fort she was among the booty captured by the Indians, and given to him afterwards by the captors.

This expedition was accompanied by Detroit militia, commanded by Chabert De Joncaire, Jonathan Schiefflin, Isidore Chêne, and others.

This aroused great excitement in the United States, and various plans were proposed to send

expeditions under Brodhead and Clark to capture Detroit. Clark was very anxious to undertake it, but the invasion of Virginia by Cornwallis suspended these side issues, and nothing effective was done.

During the various Indian expeditions, and other frontier warfare, there had been some difficulty in keeping all the tribes contented under the British control, and all sorts of expedients were resorted to, in order that this might be secured.

Not long before the Revolution, David Zeisberger, an eminent Moravian missionary, with Heckewelder and some others, founded missions on the Muskingum at Schönbrunn, Lichtenau and Gnadenhutten, and the converts, particularly among the Delawares, were numerous. Colonel Alexander McKee, Matthew Elliott, and Simon Girty, made repeated attempts to induce these Indians to join the British and fight against the Americans, but without success. The Detroit Hurons were no more successful in their efforts to persuade or frighten them, although the Delaware chiefs were wavering. The English agents persuaded Governor Hamilton that the missionaries were acting as spies in the American interest, and he became very much incensed, and made threats, which the emissaries used to influence the chiefs against them. One of the chiefs, Captain Pipe, was at last cajoled into declaring for the English, and the tribe became divided. When De Peyster was in command, Elliott persuaded

him, by representations that Captain Pipe had denounced the missionaries, to send a force under Elliott to capture them and bring them in. After much suffering, they reached Sandusky, whence Captain Pipe was to bring them to Detroit. During this whole journey they complained especially of the affronts and injuries received from Simon Girty. Pipe being on a drunken frolic, the missionaries started for Detroit ahead of him on the 25th of October, 1781. The winter was early, and the country through the Black Swamp, and round the head of the lake, was nearly impassable; but after much labor and exposure they reached Detroit.

Their reception by De Peyster was very ungracious, and he put off their hearing for several days. They were kindly sheltered by Mr. Tybout, a French inhabitant, and received attention and courtesies from others. On the 9th of November, they were confronted with Captain Pipe before the Commandant, when the chief expressed himself very bitterly concerning the manner in which he had been urged on by the English to join them, and completely denied all the stories against the missionaries, who had studiously avoided any conduct which could favor either side, and had endeavored to preserve the Indians from hostilities. De Peyster was finally satisfied, and thereafter was very kindly disposed and aided them liberally. Having returned to Sandusky, they were subjected to renewed threats

and indignities from Girty. De Peyster sent word to bring them back to Detroit, but to treat them kindly; and in April, 1782, they came back under escort. The Commandant told them he had taken this course for their safety, and offered to give them means of returning to the central mission at Bethlehem, or to allow them to remain.

They decided to remain, if they and their flock could settle near Detroit. By arrangement with the Chippewas, dwelling on the Clinton (then known as the Huron) River, about twenty miles northeast of Detroit, they fixed their colony near the mouth of that stream, a few miles from Lake St. Clair. De Peyster contributed such outfit as they needed of utensils and provisions, with some horses and cattle, his estimable lady also adding other useful presents. The Church of England "Society for the Propagation of the Gospel in Foreign Parts" sent them a draft for one hundred pounds sterling, which was a very timely gift. On the 21st of July, 1782, Zeisberger and Jungman, (married missionaries with their families,) and Edwards and Jung, (unmarried missionaries,) with some white families, including that of Richard Connor, and several Indian converts, reached their new refuge, and solemnly in prayer consecrated it to the service of the Lord, under the name of Gnadenhutten, in memory of their old home on the Muskingum. It was usually called New Gnadenhutten. In August they had completed a village, consisting of a street of block-

houses with substantial outbuildings. De Peyster, (now colonel) was an active friend, and Governor General Haldimand also befriended them. On the 5th of November, 1782, they opened their new church. In 1783, the sugar crop was large, and the people, white and red, were enabled by their hunting and manufacture of wooden wares, to keep themselves supplied with all they needed. On receiving news of the peace, which reached them in May, they endeavored to gather in from Ohio more of their Indians, and succeeded quite well in doing so.

By a mistake in the kind of corn which they had planted, they lost that crop by early frosts. The next winter of 1783-4 was one of the severest on record. The ice on Lake St. Clair, a mile from shore, was three feet two inches thick, and the snow five feet deep. The winter of 1874-5 resembled it more closely than any year within living memory. The deep snow interfered with hunting, and the ice with fishing. The winter was a trying one, but they succeeded in getting a large quantity of venison from a herd that strayed into the neighborhood, and with the surplus of this they purchased corn. In the spring they made sugar, and caught an abundance of fish, and, when the snow melted, gathered quantities of cranberries. Detroit furnished a ready market for all they could spare.

A straight road had been run for their accommodation from Tremblé's mill, on Tremblé's (now

Connor's) Creek, to the Moravian village, thus very much shortening the otherwise long and round-about lake shore road. This was the first inland road made in Michigan.

In May, 1784, they came to Detroit to bid farewell to Colonel De Peyster, who was about departing, and who commended them to Governor Hay, (Hamilton's companion,) who had just been sent out to take charge of the post. Hay had recently been in England, where the case of the missionaries had received attention, and he had been directed to encourage them. As this was a year after the peace, and before any serious controversies, it indicates pretty clearly the insincerity of the British Government in regard to their treaty obligations to quit the post.

Governor Hay died the same summer, having had no time to make any mark on the settlement. His character was respected. He left a family of three sons, one of whom, Henry Hay, became an officer in the British Army, and was stationed at Detroit in the last British command. The writer was many years ago informed, by a family connection of Governor Hay, that his remains were first buried behind and near the Chateau or Governor's House, on the corner of Jefferson Avenue and Griswold Street, and afterwards removed by the informant to the new cemetery, established in 1827, and placed in the Catholic portion of that ground. That cemetery has now been vacated, and probably there has been another removal.

Major William Ancrum succeeded to the command. By this time the Moravian town had become a neat and pleasant village, well laid out and substantially built, with considerable clearings. The Chippewas, however, were getting tired of agricultural neighbors, and the settlers determined to move to some other place. They went from New Gnadenhutten to the south side of Lake Erie, whence, in 1790, a large number moved over into Upper Canada, and settled on the Thames River, near the battlefield where Harrison defeated Proctor, in 1813. Richard Connor and his family remained behind, and kept their farm. His sons, Henry, William and James, became prominent citizens. Henry Connor was a noted interpreter, (known as Wabishkindibé, or White Hair,) in whom Indians and whites placed implicit confidence, which he fully deserved. He was a very upright man.

In 1788, Ancrum and John Askin, who had been kind to the missionaries, and who claimed to have purchased out their rights for a sufficient consideration, obtained from the Chippewas a grant of 24,000 acres, including the Moravian town and a large tract besides. Askin subsequently testified that there were more than twenty houses and their outbuildings, and that the Moravian road had been built by himself and Ancrum, with some help from the Moravian Indians. Askin and his son, with one John Cornwall, obtained also a Chippewa grant of twenty-four miles long by two leagues

wide, including that road, and a league in breadth on each side of it. These grants were made after the treaty of 1783, and were in violation of the British and American laws, and were disallowed. Connor and some neighbors were confirmed in their claims to single farm holdings, as actual settlers.

After Patrick Sinclair went to Mackinaw, and toward the close of the Revolution, he made preparations for removing the fort from the main land to the Island of Michilimackinac, for which he obtained the consent of the tribe of Chippewas in occupancy. The new fort was occupied in 1783.

By the preliminary treaty of peace of November 30, 1782, it was unconditionally agreed that "His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States; and from every part, place and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong." And by further articles it was, January 20, 1783, agreed that in all places without exception, (unless when a shorter term was specified,) five months should be the utmost term of



hostilities, or for the validity of hostile acts. Notice was received in Detroit in May, 1783, if not earlier. The final treaty of September, 1783, recognized and adopted the preceding action from its original date.

General Washington was persuaded, and declared from the first, that the British Government were not acting in good faith in this matter. In August, 1783, when Baron Steuben was sent to Governor General Haldimand to demand possession of the western forts, he was not only refused, but was not even permitted to visit them; and the Governor declined in any way to facilitate or expedite the business. His course towards Steuben was reported by the latter as uncivil. He wrote to General Washington a letter, respectful in form, in which he excused himself for the refusal on the ground that he had received no orders from His Majesty. New York was evacuated on the 25th of November, 1783, and the Continental Army was disbanded. Great Britain never notified the Governor of Canada, or any one else, to give up the western posts, and they were retained, in spite of protests and remonstrances, until the breaking out of the French Revolution, and the prospect of further wars, made it expedient to surrender them. But during nearly all this period, and especially from 1786, the emissaries of Great Britain were busy in keeping up a hostile feeling among the Indians in the Northwest against the Americans.

There were, in 1786, and thereafter, some mutual

grounds of complaint for alleged violations of the treaty, but none in 1783, '84 or '85, that were set up as solid pretexts for retaining the posts. There can be no reason to doubt the conclusion of General Washington, that the mother country meant to speculate on dissolution, and to retain the unsettled country and western forts if she could. In 1784, it would seem, however, that the Canadian Governor may possibly have expected to be compelled to comply with our demands ; as he removed the public records from Detroit to Quebec, where they were retained until Lord Dorchester, in 1789, sent out Judge Powell to establish a court. At this latter period, it seems to have been assumed that the United States would be compelled to submit to losing the posts. That removal of records was in direct violation of the treaty, and the records so removed were never put in American custody until the present decade, when they were partially restored, (as far as found,) by order of Her Majesty's Government. The responsibility of the British authorities for the intentional and unprovoked retention of the posts does not rest on surmise. On nearly every occasion when attempts were made to treat with the Indians, they represented they could not act without the consent of the Detroit Commandant. When Brant went to England, after the formation of his confederacy in 1785, he asked an explicit assurance that the British would stand by him, which Lord Sidney, the Colonial Secretary, evaded, but did not discourage. John Johnson, the

Indian Superintendent, on his return, gave him that assurance in writing, and impressed upon him very strongly not to allow the Americans to come into the country, or to approach the posts, saying: "It is for your sakes, chiefly, if not entirely, that we hold them." \* \* "By supporting them, you encourage us to hold them, and encourage the new settlements, already considerable, and every day increasing by numbers coming in, who find they cannot live in the States." Lord Dorchester was more explicit, and speaking through Captain Mathews, whom he sent to command at Detroit, he expresses regret that the Indians have consented to let the Americans make a road to Niagara, but, notwithstanding this blameworthy conduct, the Indians shall nevertheless have their presents, as a mark of approbation of their former conduct; and then proceeds: "In future his lordship wishes them to act as is best for their interests. He cannot begin a war with the Americans because some of their people encroach and make depredations upon parts of the Indian country; but they must see it is his lordship's intention to defend the posts, and that while these are preserved, the Indians must find great security therefrom, and consequently the Americans greater difficulty in taking possession of their lands. But should they once become masters of the posts, they will surround the Indians, and accomplish their purpose with little trouble." \* \* \* "In your letter to me, you seem apprehensive that the English are not very anxious about the defence

of the posts. You will soon be satisfied that they have nothing more at heart, provided that it continues to be the wish of the Indians, and that they remain firm in doing their part of the business, by preventing the Americans from coming into their country, and consequently from marching to the posts. On the other hand, if the Indians think it more for their interest that the Americans should have possession of the posts, and be established in their country, they ought to declare it, that the English need no longer be put to the vast and unnecessary expense and inconvenience of keeping posts, the chief object of which is to protect their Indian allies, and the loyalists who have suffered with them.<sup>1</sup>

The proofs are abundant that the British depended on the Indians to keep the Americans from approaching the forts to get possession, and that this was not done for any claims of violated treaty, but because they desired to retain the western country and its trade for their own purposes.

In 1784, as before mentioned, a new lieutenant governor was sent out to Detroit, and in 1789 it was brought under partial civil government. This was also, if we may credit the information received from our diplomatic agents in England, in pursuance of a definite plan whereby Lord Dorchester was vested with enlarged powers.

<sup>1</sup> Stone's Brant, iii, 271.

During the period of unlawful possession, there was apparently no restraint put on the acquisition of Indian grants, and, unless the chiefs were ubiquitous, it appears in some cases as if no particular care was taken to be sure of their identity. Congress had at once, upon the peace, prohibited any such purchases.

Very few facts of local interest are noted within the next few years. The Ordinance of 1787, which furnished a wise constitution for the territory northwest of the Ohio, did not become practically operative in this region until the Americans gained possession. Before that time, although no laws passed after the treaty could attach except for the time being, yet, so long as the country was held by Great Britain, all transactions were governed by the law of the possessors.

In 1792, Quebec was divided into Upper and Lower Canada; and Colonel John Graves Simcoe was made Lieutenant Governor of Upper Canada, the Governorship General covering both divisions. The Quebec Act, so far as it applied to Upper Canada, was repealed, as well as all legislation under it abrogated. Upper Canada was made a common law country, and trial by jury was introduced in both civil and criminal cases.

Simcoe, who had commanded during the Revolution the Queen's Rangers, a regiment of American tories, first raised by Rogers, and

somewhat noted for their cruelties, took no pains to conceal his sentiments. The Upper Canada Legislature established permanent courts in the regular way at Detroit and Mackinaw, as posts of the Province. In 1789, provision was made for granting lands in the Province to American refugees, and the region lying east of the Detroit River and north of Lake Erie was largely settled by Dutch tories from New York. The result was to excite among the Americans who afterwards settled in Michigan a fierce animosity against that class of their neighbors, which was of long standing. In regard to the other British people, the feeling was more kindly, except as to the Indian agents and emissaries, who were never forgiven for their share in the massacres of the Americans.

The results of St. Clair's disastrous defeat in 1791 rendered it more difficult to treat with the Indians, and their depredations were multiplied. It became evident that, unless some peaceable arrangement could be made, the American people would be obliged to resort to effectual measures to put an end to these scenes. The western people had desired again and again to be allowed to take matters into their own hands. But in this troubled period the Governor General, Lord Dorchester, and the Lieutenant Governor, Simcoe, went great lengths in urging on the Indians, and both evidently believed that the time was at hand when Great Britain would regain the whole

Indian country. Negotiations with the Indians having failed, General Wayne began his effective campaigns. Simcoe not only favored the savages, but built a fort in 1794 at the Maumee Rapids, and garrisoned it with regular British troops. Wayne arrived in the neighborhood in August, and on the 20th defeated the Indians and their allies, driving them under range of the guns of the fort, and destroying Colonel McKee's stores, and everything else of value up to its very walls. The post commander took no part in the battle, and the Indians were very much incensed at such cold support. Wayne could not, under his orders, attack the fort, unless assailed, and the British officer in charge had similar orders. General Wayne went as far as he could to induce that gentleman to attack him, but without effect. The Indians were, however, aided in the fight by a body of Canadian militia, under Colonel Baby; and Simcoe, McKee, Elliott and Girty were not far off. In September these four persons held a council at Malden to prevent a peace, and to induce the Indians to cede their lands to the British; promising that the latter could then guarantee their possession, and join in a general attack which would sweep the country clean of Americans. Although this was aided by presents, and other inducements, the Indians were divided, and many of them complained that the British had urged them on into ruinous wars, and had not helped them.

January 29th, 1795, the tribes made a prelimin-

ary treaty of peace at Greenville, with General Wayne. They appointed the next June, at the same place, for the final treaty. The conferences lasted through July, all of the chiefs giving and receiving full explanations, and laying the previous hostilities to the encouragement of the British authorities. The treaty was signed on the third of August.

In November, 1794, a treaty had been executed between Mr. Jay, as American Minister, and the British Secretary for Foreign Affairs, Lord Grenville, whereby it was agreed the posts should be given up on or before June 1, 1796. News of this reached the country in due time, and at once a last effort was made to render it abortive. In 1783, the Northwest Fur Company had been organized to control the fur trade, not reached by the Hudson's Bay Company, and the Detroit traders were all interested in keeping the country, as far as possible, unsettled. All of Michigan away from the Detroit River and the Island of Mackinaw, was a wilderness, and so was the adjacent belt of country in northern Ohio and Indiana. Between the treaties of January and August, grants, or pretended grants, were obtained to Jonathan Schiefflin, Jacobus Visgar, Richard Pattinson, Robert Innis, Alexander Henry, John Askin Senior, John Askin Junior, Robert McNiff, William Robertson, Israel Ruland, and John Dodemead, of various parcels of land, covering the whole country from the Cuyahoga River westward to about the centre line of Michigan, and northward



to Saginaw Bay, including all the land that was then supposed possibly available for settlement for ages.

The time at last came for taking possession. The British garrison evacuated the fort some time before the Americans arrived, and left it in very bad condition, with the wells filled up with rubbish, and with other mischief to the premises.

General Wayne came with Winthrop Sargent, the Secretary and acting Governor of the Northwest Territory, and took possession of the fort, putting Captain Porter in command. Mackinaw was also garrisoned. On the first of July, 1796, Michigan, for the first time, became an American possession.

On his return from this duty, General Wayne started eastward, to deal with charges made against him by General Wilkinson, who had acted a very ungenerous part in striving to belittle the exploits of an officer whose fame has been amply vindicated by time, and with whom now his assailant's reputation will bear no comparison. No one ever had a stronger hold on the administration of the western people than Mad Anthony, and his memory has not faded.

The brave soldier, who had escaped the perils of many battles, was seized on his way to Erie with a violent attack of gout which proved speedily fatal. He was buried at Erie. Many years afterwards, when his son disinterred the remains to remove them to a place among his kindred, the body was found uncorrupted and sound as if it had been embalmed.<sup>1</sup>

<sup>1</sup> Burnet.

## CHAPTER IX.

### MICHIGAN UNDER THE NORTHWEST TERRITORY AND INDIANA.

THE peninsula of Michigan was not allowed to pass into American hands without a struggle. It was not until two days after the time fixed by Jay's Treaty for surrendering the western posts, that the Legislature of Upper Canada reluctantly passed an act to discontinue holding courts at Detroit and Mackinaw.

In the summer of 1795, when it became certain that the execution of the Treaty of Greenville would remove the last obstacle to the possession of the country by the Americans, a plan was formed by several merchants residing in Detroit and in the Parish of Assumption in Canada across the river, to secure the control of the Territory, by purchasing all the land. To do this it was thought necessary to impress upon the minds of congressmen the idea that no reliance could be placed on the peaceable disposition of the Indians, and that the Detroit merchants were the only persons that could control them. Where such persuasion failed to produce conviction, a gigantic

system of bribery was to be used to accomplish the desired end. A company, the known western members of which were the two Askins, Jonathan Schiefflin, William and David Robertson, Robert Innis and Richard Pattinson, was organized, with a proposed stock of forty-one shares, of which five were for the Detroit partners, six allotted to Ebenezer Allen, of Vermont, and his eastern associates, six to one Robert Randall, of Philadelphia, and his associates, and the remaining twenty-four to members of Congress, with the understanding that they could take money instead, if they preferred it. Ebenezer Allen and Charles Whitney, of Vermont, and Robert Randall, of Philadelphia, were to deal with the members. Randall and Whitney began the task, and approached several representatives. They desired to obtain from Congress a grant of the whole Lower Peninsula of Michigan, for which they offered to pay half a million of dollars, or, if need be, a million, and to assume the risk of getting up the Indian title.

Among others applied to were Theodore Sedgwick, William Smith of South Carolina, Mr. Murray of Maryland, William B. Giles of Virginia, and Daniel Buck of Vermont. They conferred with the President, and by concert all avoided exciting the suspicion of the agents, and managed to get precise information of the whole extent and details of the scheme. Mr. Sedgwick was entrusted with the memorial, to present it to the House.

On the 28th day of December, 1795, these gentlemen, after the petition had been presented and referred, arose in their places and divulged the whole matter to Congress. Randall and Whitney, who were the only ones that had approached either of them, were arrested, and ordered to answer for contempt. Whitney, who does not appear to have done much, answered fully and was finally discharged. Randall was more pugnacious, and was punished by imprisonment. He claimed to have obtained pledges from several members, who took no part in exposing him. The House, with a very ill-judged squeamishness, objected to having names of members given, and questions calling for them were ruled out. It is sadly to be feared that it was not impossible, in those days, for members of Congress to be attracted by an operation with a certainty of great profit in it.

Of course, after this exposure, the scheme failed. The Indian purchases before referred to, which would have been legalized if Congress had made this sale, were no doubt concocted with a view to it. That it was not designed to keep the country for American purposes, will appear from the fact that, under Jay's Treaty, all the partners residing on the American side of Detroit River made their election in writing to remain British subjects; and all but Schiefflin afterwards retired to Canada.

It is needless to speculate on the probable

results of the success of such a scheme. Michigan would never have become a prosperous American State, and the whole northwest might have been a British Province. No part of the country was Americanized for a long time, except the country immediately depending on Detroit and Mackinaw. The white settlers at the Sault Ste. Marie, and about Green Bay, remained attached to the British interests, and raised volunteers to aid in the capture of Mackinaw in the war of 1812. Mackinaw itself, as appears from the State Papers of the United States, was infested by treasonable inhabitants, who were never adequately dealt with for their treachery, beyond receiving a good share of contempt among their neighbors.

How Schiefflin withdrew from his election, or how he became rehabilitated as an American citizen, does not appear; but he certainly became one, and, not many years after, he was a judge of common pleas in Detroit, and a useful delegate at Chillicothe. He had large landed possessions, and failed to make out a good title to many more, which he claimed from Indian grants. He was a favorite among the Indians, and an adopted member of some of the tribes, being styled in a grant from the Ottawa, Chippewa and Potawatamie tribes as "our adopted brother and chief in our said Nations, by the names of Ottason and Minawinima."<sup>1</sup>

<sup>1</sup> Ottason (with the French pronounciation Atasson,) signifies a store-keeper or trader. Minawinima, a foul talker. This last name was that of a chief who probably exchanged names with Schiefflin.—*Vide* Baraga.

He subsequently returned to his old home in New York, and lived to a good old age. In 1797 he, with Jacobus Visgar, Richard Pattinson and Robert Innis, sold their Indian title to the south-eastern part of Michigan to William S. Smith of New York City, for two hundred thousand pounds York currency, or half a million dollars, taking back a mortgage (never paid) for the entire purchase money. If any further experiments were made with Congress, they were not published, and the speculation failed.

The change of allegiance made no change in the social relations of most of the citizens. They had been old associates and good neighbors, and had no personal quarrels over it. It was generally felt that in the main the course of the British sympathizers was such as might fairly have been expected from those who had felt no political grievances, and it was also known that the British Ministry, in its extreme courses, did not fairly represent the British people, from whom the entire heritage of American liberty had descended. The tory refugees from New York were not, however, looked upon with much complacency by the Americans; and the new comers from the Eastern States were not much better received by the French, who had a vague dread of being talked out of their farms before they knew it; by these glib-tongued bargainers. But time, and the enforced companionship of a little frontier town, soon smoothed away their prejudices; and Detroit

was, in its early days, a place of more than usual social harmony.

It now became evident that the policy of preventing settlements had produced one very fortunate result. The amount of land lawfully owned or claimed by private persons in actual occupancy, was so insignificant, that the change from French to English, and from English to American rule, was not felt in our legal relations. As there had never been any law regularly administered, unless for a very short time, and as, under the Quebec Act, wills could be made according to either English or French law, no questions were likely to arise except as to inheritances; and here the American law was more like the French than the English, as it did not devolve estates by primogeniture. It was very common for French land-owners to make disposition of their estates among their children, which became operative before their own decease. The ordinance of 1787, which attached when the cession was complete, produced no shock whatever; as the English traders had always followed the common law, which was the basis of all proceedings under the Ordinance.

As the statutes of Upper Canada had all been passed during the usurpation, they required no repeal; and, although some rights had grown up under them, they were not important legally, and are of small consequence historically, unless, perhaps, in relation to slavery. The Ordinance of 1787 had declared that "there shall neither be

slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted." Not only had slavery always existed in Canada, but, in 1790, an Act of Parliament authorized the Governor to grant licenses to import negroes and other slaves into the Province. A very early Act of the Legislature of Upper Canada prohibited further importations, and provided for the emancipation of all slave children thereafter born, on reaching the age of twenty-five. An Act was also passed for greater caution, and not from any real difficulty, whereby all marriages solemnized theretofore by magistrates, commanders of posts, adjutants or surgeons, acting as chaplains, were legalized. By the remarks of some of the advocates as well as of the opponents of the Quebec Bill, it appears that some doubts arose originally in regard to the legal powers of the clergy and others in various cases, and there were times when there were neither Protestant nor Catholic ministers in some of the settlements. When Father Richard arrived at Detroit, in 1798, he celebrated with the rites of the church many marriages that had previously been performed civilly. No other provincial legislation requires reference.

The only provisions of Jay's Treaty, under which litigation subsequently arose, were Article 2, which protected all traders and others in the enjoyment of all their property of every kind, and which allowed them though resident to retain their old



allegiance, by declaring their intention within a year after the evacuation of the posts; and Article 9, which allowed existing estates to be transferred, or to descend, without reference to alienage.

On the 18th of August, 1796, Winthrop Sargent, acting Governor of the Northwest Territory, by Letters Patent under the Great Seal, set apart the new County of Wayne. Its boundaries extended from the Cuyahoga River westward about to the dividing line now existing between Indiana and Illinois, and thence northward to the national boundary line, including all of the subsequent Territory of Michigan, and a portion of Ohio and Indiana. The county seat was Detroit, which is still the county seat of the County of Wayne, much shrunken from those generous dimensions.

At or about the same time Governor Sargent organized the militia, and the Court of Common Pleas for Wayne County, which was, like the former Canadian court of the same name, a court of record of extensive jurisdiction, presided over by lay judges, who were business men chosen for their probity and intelligence. Louis Beaufait was first Senior Justice, and James May, Charles Girardin, Patrick McNiff and Nathan Williams, were early Justices. The appointments to all judicial offices were made by the Executive. There was one session at Detroit each year, of the Supreme Court of the Territory. Those judges were appointed by the President and Senate, and, at the time of the organization of

Wayne County, were Rufus Putnam, John Cleves Symmes, and George Turner. Putnam resigned the same year, and was succeeded by Joseph Gillman. Turner had left the Territory in the spring of 1796, and resigned while absent. Return J. Meigs was appointed to succeed him in 1798. By the laws then in force one judge could hold the court. Judge Symmes attended every term that was held in Detroit, until Michigan was separated from Ohio.

As the Ordinance of 1787 was the constitution of the whole northwest, it demands some reference, although familiar to the readers of American history. After the peace of 1783, it became a serious question what to do with the lands belonging to the United States, and not within any single State. All of Michigan and Wisconsin, and parts of Ohio, Indiana and Illinois, were unquestionably treaty acquisitions; while the remainder of the Northwest Territory was claimed by conflicting States. The Articles of Confederation did not provide for such an emergency expressly, and the government of the confederation was not adapted for ordinary legislation, having neither executive nor judiciary.

The States having pretensions over the country finally made cessions of it, upon jealously drawn conditions, not for their own benefit, but for that of the people of the Territory. The whole transaction was more in the nature of a supplementary treaty, or convention, than of a law; and the

Ordinance of 1787, if it is regarded as a statute, is the only instrument of that nature ever passed by the Congress of the confederation. It was not, however, properly a statute; for all public statutes are subject to repeal. This instrument was not subject to be altered in its most important provisions, although as to others it probably was liable to alteration. It is somewhat singular that, in adopting a large stream for the southern boundary of the Territory, Virginia, instead of making the middle thread of the Ohio River the dividing line, retained jurisdiction over all the stream.

This important Act of State, adopted on the 13th day of July, 1787, may most properly be called a constitution; since it vested the whole original legislative authority in other bodies than Congress, and in some particulars was meant to operate as a permanent compact between the United States and the people of the Territory. Its general features were as follows: It established temporary rules of descent and succession, and for the manner of disposing of property *inter vivos* and by will. A governor was to be appointed from time to time by Congress, for terms of three years, but removable. A secretary was to hold for four years unless removed, and three judges were to hold during good behavior. A majority of the governor and judges were to adopt from the States such laws as were suited to the Territory, to be in force till disapproved by Con-

gress, or altered by the future Legislature. The Board afterwards obtained the power of alteration and repeal. The Governor made all appointments except judges and secretary, (who were appointed by Congress,) and could lay out counties and townships, and appoint magistrates and other civil as well as military officers, at his pleasure. In this he had the amplest prerogative. When the popular assembly should be organized, all this was subject to their legislative control. But Congress retained no powers of immediate legislation for itself.

As soon as there should be five thousand free male inhabitants, an assembly was to be elected, with one member for each five hundred free male inhabitants, until the assembly should contain twenty-five members, when the number was to be fixed by them. An upper house or council, of five members, was to be selected by Congress, from ten persons nominated by the representatives. Representatives were to serve two years, and councillors five. The Governor had an absolute veto, with power to assemble, prorogue, and dissolve the Legislature.

Six articles were declared to be articles of compact between the original States and the people and States of the Territory, to forever remain unalterable, unless by common consent. These were, *First*, Religious toleration. *Second*, A declaration or bill of rights and liberties. *Third*, That "religion, morality and knowledge being necessary to

good government, and the happiness of mankind, schools and the means of education shall forever be encouraged." Also that the Indians should be protected in their rights and security, and fairly dealt with. *Fourth*, Perpetual union, and proper contribution to the general burdens; immunity from taxation, and respect for United States lands and titles; equality of taxes for non-residents; and free use of ways and waters for citizens of other States. *Fifth*, That not less than three, nor more than five, States should be formed; — if three, to be divided by north and south lines from points named; if four or five, they were to be divided by the same lines running north and up to an east and west line through the extreme south point of Lake Michigan; and all north of that line was to form one or two States, as Congress should determine. Each State had assured to it a right to be admitted into the Union, as soon as it should contain sixty thousand free inhabitants. *Sixth*, That neither slavery nor involuntary servitude should be allowed except in punishment of crime; but fugitives from labor should be subject to reclamation.

When the Constitution of the United States came into complete operation, in 1789, one of the first acts of Congress adapted the ordinance to it, by transferring to the President and Senate the powers of a purely executive nature which had before been vested in Congress. The only other change made the Secretary acting Governor,

during the Governor's absence, removal or resignation.

One term of the Supreme Court was held each year at Detroit; and Judge Burnet informs us that from 1796 until 1803, when the separation took place, neither he, Judge Symmes, nor Mr. St. Clair, (who was the Governor's son and attorney general) ever missed a term. He gives a lively account of the difficulties and hardships, as well as amusing incidents, attending the long horseback rides from Cincinnati to Detroit, and to the other counties. Among other things, he describes a curious game of foot ball at the Au Glaize village, where the Shawnee Blue Jacket, and Buckongahelas, the old Delaware chief, resided, between men and women, in which, by the prowess of a gigantic squaw, the game was decided for the women. On their return several weeks after, they found Blue Jacket had obtained a large quantity of whiskey, and the people were all drunk. He tells with much humor how a very ancient squaw insisted on preferring Mr. St. Clair above the rest, whom she scornfully characterised as "milish," not to be compared to the "big man — Governor's son" whom she honored with a profusion of drunken motherly kisses.

Judge Burnet, (who in this regard speaks from his own observation, and is confirmed by his contemporaries,) expresses himself very strongly upon the wrongs done the Indians, in not protecting them from the vices of the whites, until

they could have become settled down in peaceful industry. He says distinctly that until 1795, after the Treaty of Greenville, they were dignified and independent in their intercourse with the whites, and received as equals, and that they were in no respect an inferior race by nature, and were as capable of improvement as any people. History shows that, for a couple of centuries after the first settlement in Canada, the Indian tribes were in several instances the only farmers in the country, and supplied the whites. In Michigan, Ohio and Indiana, their villages were neat, and their lands well laid out and well tilled. Those who have attended Indian councils can bear witness to the keenness of their intellects, and the wonderful accuracy of their memories; and such of them as have received an education are as well advanced by their training as any people. If white men were compelled to live as nomads, and hold no lands as private homesteads, all the resources of education and civilization would be equally thrown away upon them. The cold blooded policy which has first demoralized the Indians, and then refused to help them because they were demoralized, is a disgrace to humanity.

The establishment of a regular course of justice opened a wide field of litigation, and for several years the court business at Detroit was large and lucrative. The British and other travellers who visited the country in 1796, and shortly thereafter, expressed their surprise at the number and

wealth of the merchants, and the extent of their business, and stated that all kinds of articles were nearly as cheap in Detroit as in New York and Philadelphia. The people were gay and prosperous, and indulged as freely in the pomps and vanities of dress and amusements as their contemporaries in the elegant circles of the east. The truthtelling inventories of the estates of the inhabitants who had done with the world, include plate and silks, and all manner of luxuries, as well as the "*titres de noblesse*"<sup>1</sup> which had ceased to be important among the new fledged republicans. On the 4th of June, 1800, during the term of court at Detroit, the court and bar, and all the officers who could be spared of the two regiments quartered at the fort, with a host of citizens, were invited to Sandwich to a banquet and ball in honor of the King's birthday; and a company of between four and five hundred, from both sides of the river, enjoyed a pleasant and courteous intercourse. The next day, the court and bar, with others, were taken on a Government vessel to Fort Malden, (then not completed,) and after hospitable treatment proceeded across the lake. The magnates of the fur trade had not lost their Scottish habits of conviviality; and Judge Burnet's stories of Angus Mackintosh's liberal feasting and wassailing remind one of Scott's pictures of the same period in the land of their origin.

<sup>1</sup> Many Canadian gentlemen received letters of nobility for services in war and discovery. In making up the inventories of estates it was customary to include all papers and titles. Such an item occurs in the inventory of Fontenay Dequindre, and probably in many more.



As there are not many printed descriptions of Detroit belonging to the period of the first American occupation, some extracts from the Letters of Isaac Weld,<sup>†</sup> an Irish gentleman of subsequent literary prominence, who visited this region in the autumn of 1796, may be worth copying.

“The houses in this part of the country are all built in a similar style to those in Lower Canada; the lands are laid out and cultivated also similarly to those in the lower province; the manners and persons of the inhabitants are the same. French is the predominant language, and the traveller may fancy for a moment, if he pleases, that he has been wafted by enchantment back again into the neighborhood of Montreal or Three Rivers. All the principal posts throughout the western country, along the lakes, the Ohio, the Illinois, etc., were established by the French; but except at Detroit and in the neighborhood, and in the Illinois country, the French settlers have become so blended with the greater number who spoke English, that their language has everywhere died away.

“Detroit contains about three hundred houses, and is the largest town in the western country. It stands contiguous to the river, on the top of

<sup>†</sup> Mr. Weld spent parts of the years 1795, 1796 and 1797 in America, and much of his time was passed in the United States. He was a good observer, though very bitterly prejudiced. Mr Ticknor met him in Ireland many years afterward, and he then assured Mr. T. that his views had become changed.—*1 Ticknor's Biography, p. 424.*

the banks which are here about twenty feet high. At the bottom of them there are very extensive wharfs for the accommodation of the shipping, built of wood, similar to those in the Atlantic sea-ports. The town consists of several streets that run parallel to the river, which are intersected by others at right angles. They are all very narrow, and not being paved, dirty in the extreme whenever it happens to rain; for the accommodation of passengers, however, there are footways in most of them, formed of square logs, laid transversely close to each other. The town is surrounded by a strong stockade, through which there are four gates; two of them open to the wharfs, and the two others to the north and south<sup>1</sup> side of the town respectively. The gates are defended by strong block-houses, and on the west [north] side of the town is a small fort in form of a square, with bastions at the angles. At each of the corners of this fort is planted a small field-piece, and these constitute the whole of the ordnance at present in the place. The British kept a considerable train of artillery here, but the place was never capable of holding out for any length of time against a regular force; the fortifications, indeed, were constructed chiefly as a defence against the Indians."<sup>2</sup> P. 351.

<sup>1</sup> Mr. Weld, like most strangers, mistook the points of the compass, by failing to notice the bend at the town, which fronts southward and not eastward. The gates were at the east and west ends.

<sup>2</sup> In this the writer is in error. Major Lernoult constructed this fort during the American Revolution, to defend the place against the Americans.

“About two-thirds of the inhabitants of Detroit are of French extraction, and the greater part of the inhabitants of the settlements on the river, both above and below the town, are of the same description. The former are mostly engaged in trade, and they all appear to be much on an equality. Detroit is a place of very considerable trade; there are no less than twelve trading vessels belonging to it, brigs, sloops and schooners, of from fifty to one hundred tons burthen each.” “The stores and shops in the town are well furnished, and you may buy fine cloth, linen, etc., and every article of wearing apparel, as good in their kind, and nearly on as reasonable terms, as you can purchase them at New York or Philadelphia.

“The inhabitants are well supplied with provisions of every description; the fish in particular, caught in the river and neighboring lakes, are of a very superior quality. The fish held in most estimation is a sort of large trout, called the Michillimakinac white fish, from its being caught mostly in the straits of that name.” P. 352.

“The country round Detroit is uncommonly flat, and in none of the rivers is there a fall sufficient to turn even a grist mill. The current of Detroit River itself is stronger than that of any others, and a floating mill was once invented by a Frenchman, which was chained in the middle of that river, where it was thought the stream would be sufficiently swift to turn the water-wheel; the

building of it was attended with considerable expense to the inhabitants, but after it was finished it by no means answered their expectations. They grind their corn at present by wind mills, which I do not remember to have seen in any other part of North America." P. 354.

The author was mistaken concerning the absence of water power. There is a considerable though gradual rise from the Detroit River northward, and the water is distributed from a reservoir upon high ground within the city so as to reach the upper stories of high buildings. Within living memory, there were streams within the present limits of the city on which water-mills once existed. Campau's mill has been referred to already. A mill also stood on the Cass Farm, upon the River Savoyard. Two mills were driven by the waters of Bloody Run, one near the "Pontiac Tree," where the stream crossed what is now Jefferson Avenue, and one near the Fort Gratiot Road. Mr. Tremblé also had a water mill on Tremblé's (now Connor's) Creek, at or near the starting point of the Moravian Road.

The wind mills, which have now mostly disappeared, were once seen on every headland and point, and their white sails revolving in the wind presented a pleasant spectacle on a fair summer day. They were all built alike, in circular form, with a broad sloping stone foundation and upright wooden body, surmounted by a conical roof, which was turned by a long timber sweep, so as

to bring the sails into position. One of these wind mills, on the American side opposite Sandwich or Montreal Point, (on the Gobaie Farm, since known as the Knaggs, and Bela Hubbard Farm) had the reputation of being haunted, but the legend has escaped the antiquarian, and is now lost.

The town of Marietta, Ohio, was founded in 1789 by a colony from New England, embracing some of the ablest men that came to the West; and the pattern they set, of caring for schools and churches in the very beginning of their undertaking, was of infinite service in shaping the future of the Territory. Most of them had seen honorable service, and borne rank in the Revolutionary Army, and they were men of culture and refinement, as well as good sense and energy. In after days Michigan received many valuable citizens from that colony. The first new settler in Detroit after the occupation was from that place. Solomon Sibley arrived in 1797. He was then a prominent lawyer, and, as the first member in time, was also during his professional career second to no one in character or ability. After filling other public stations, he became one of the Judges of the Supreme Court, and so remained until he felt compelled to retire in old age from deafness. He was one of those men of sturdy honesty and native sagacity, whose learning and judgment are never obscured by egotism or warped by eccentricity, and who by manly frankness and solid wisdom

are the best guides and safest reliance of young commonwealths. Those distinguished pioneers found it easy to adapt themselves to the ways of the wilderness, and the training of the schools did not unfit them for the work of the settler. When, three or four years later, Judge Sibley brought home from Marietta his young bride (a daughter of Colonel Ebenezer Sproat, and granddaughter of Commodore Whipple, both of Revolutionary reputation,), they halted their horses one evening at the hospitable home of Major Jonathan Cass, where Lewis Cass, then fresh from Dartmouth, was pounding samp in a hollow stump. This was the first meeting of two gentlemen who were destined to be friends and coadjutors through many years of stirring events, and both of them lived to see the Northwest Territory transmuted into populous and prosperous States.

The early days of all communities are full of amusing occurrences. Where newspapers are not in circulation, and there are no frequent comings and goings of travellers, each town and hamlet furnishes its own comedies and dramas, and every one feels bound to contribute what he can to enliven it. The Bar is somewhat noted for its proneness to such mischief, and the young barristers, who found plenty of leisure in the intervals of Court, did their full share. The distinguished elders of the Common Pleas were on one occasion, recorded in their journal, led into furnishing their quota. They held their sessions in the ball-room

of Mr. Dodemead, who kept a noted tavern near the present Michigan Exchange. His bar-room having proved tempting to the soldiers, Colonel Strong, the Commander, placed a sentry at the door to keep them out. Colonel Elijah Brush, the Public Attorney, noticing this on his way up stairs, proceeded to startle the Court by suggesting to their Honors a doubt whether, as being under military duress, their proceedings might not be invalid. The Court, after due consideration, referred the matter to the waggish counsel to be reported upon. In due time he made his report, so skilfully drawn as to leave the main question in hopeless obscurity. The commanding officer, however, removed his sentinel, and the civil authority regained its liberty. †

In 1798, the Territory had acquired the number of inhabitants which entitled it to a General Assembly, and three members were allotted to Wayne County. The elections were then held *viva voce*, and not by ballot. Solomon Sibley, Jacob Visger, and Charles F. Chabert de Joncaire (the Chevalier de Joncaire before mentioned), were chosen Representatives. The Legislature was summoned to meet at Cincinnati, on the 4th of February, 1799. The first Council consisted of James Findlay (afterwards Colonel during the war of 1812, and with the army at Detroit,) Judge Jacob Burnet, of Cincinnati; Henry Vanderburgh, (afterwards a Judge of Indiana Territory); David Vance and Robert Oliver, (a Colonel of the Revolution.)

General William Henry Harrison was chosen Delegate to Congress.

The previous Territorial Code adopted by the Governor and Judges was found very imperfect, and the Legislature had much work to do in supplying its defects, especially in regard to that large class of cases involving remedies not found in common law proceedings, and usually granted in equity. The courts had not been granted equity powers. The delegate was instructed to obtain for the Territory the title to the sixteenth section of lands in each township, and the entire township of land, which had been promised by the Government in aid of schools and colleges. The Legislature also passed laws for the protection of the Indians, and especially to prevent the sale of ardent spirits. There was a strong feeling against the extent of the Governor's veto power, as well as his assumed power to control the entire division and erection of towns and counties; and Congress was petitioned to restrict them. Governor St. Clair was very much inclined to use the veto power, and did it so freely that legislation was almost suspended, and the organization of the State became desirable to avoid further trouble.

The munificent scheme of devoting a certain proportion of the public lands to education, was devised in the earliest days of the Republic. In 1785, the sixteenth section in each township of six miles square was first pledged to



the support of the schools of such townships, and in the great Symmes purchase one township was to be used for the purpose of higher education. This early recognition of the necessity of schools and colleges, enforced in the form of a perpetual compact between the Government and the people and States in the Territory, has been a source and stimulus of intelligence, the importance of which cannot be estimated. The duty of the State to educate her children, generously and thoroughly, can never be disregarded without violating the pledges on which the rights of the State and Territory were created.

While the population of Wayne County was large compared with that of other parts of the Territory, there was a serious obstacle in the way of its advancement. The Indian title had only been extinguished in a strip six miles wide between the River Raisin and Lake St. Clair; a small tract about Mackinaw, and a few detached parcels that afterwards fell within Ohio. The Detroit settlement was regarded as the most prosperous in the Northwest. That at Mackinaw was likely to become important. But until more lands should be brought into market there could be no rapid growth. No steps had yet been taken to ascertain what lands had been lawfully transferred under the French and British rule, and this also stood in the way of further settlement. Efforts were made to bring these matters into adjustment, but some years passed before any progress was reached.

In 1800 an act of Congress provided that after July 4th of that year the Territory should be divided, throwing into the new Territory of Indiana the country included in two of the three originally proposed States contemplated by the Ordinance of 1787. The line between Indiana and the remainder was run due north from Fort Recovery to the National boundary in Lake Superior, passing a few miles west of Mackinaw. It was for a time in doubt whether Mackinaw was in Indiana or the Northwest Territory. General Harrison was first Governor of Indiana, and Judge Vanderburgh's residence there made a vacancy in the Council, which was filled by the selection of Judge Sibley. The seat of government was removed by Congress from Cincinnati to Chillicothe, a step which caused much discontent, and which was regarded as an infraction of the stipulations of the Ordinance of 1787, which gave the Legislature of the Territory plenary powers of legislation. The Council thereupon passed a bill fixing the meetings in rotation at Marietta, Cincinnati and Chillicothe. The House agreed in the right to do this, but disagreed as to the places, and nothing more was done at that time.

Accordingly, in November, 1801, the Legislature assembled in Chillicothe, where they remained in session, until January 23, 1802. At this session the town of Detroit was incorporated, with a Board of Trustees, and with power to make by-laws and ordinances for the regulation

of the town. Judge Sibley was succeeded in the House by Jonathan Schiefflin of Detroit, who played a prominent part during the session. The removal of the seat of government to Chillicothe was very severely criticised by various members, and the people of that town were charged with intriguing for it, and the Governor had also expressed himself against it. Mr. Schiefflin had been especially emphatic in denouncing it. A mob of townspeople, countenanced by prominent citizens, created a riot, and assembled before the house where the Governor and Schiefflin lodged. They at length forced the door, when Mr. Schiefflin met them with a brace of loaded pistols, and drove them back into the street. They kept up their disturbances two nights without serious harm to any one. But the Legislature, to signify their sense of this conduct, adjourned to meet at Cincinnati the next November.

Movements were now set on foot which were to terminate in the speedy establishment of a new State. Wayne County was not consulted by the promoters of the scheme, as Judge Burnet states, for political reasons. On the 30th of April, 1802, an Act of Congress was passed authorizing the people in that part of the Territory east of Indiana, and south of the line running east from the southerly point of Lake Michigan, to adopt a constitution. All north of that line was annexed to Indiana, but Congress reserved

power either to make it a separate State or to attach it to Ohio. The people of Wayne County were very much incensed at being given no voice in the determination of their future, and at being deprived of the right of representation; while there was a similar feeling in some parts of Ohio, arising from a conviction that it was a political trick to secure particular results. Judge Burnet published in his Notes on the Northwestern Territory some interesting documents showing the extent of the feeling concerning the treatment of Wayne County.

The union with Indiana was so brief that it has left no traces behind it. The Legislative power being thrown into the hands of the Governor and Judges, the people lost their voice in the Government. If there were any laws passed in the interval they are not accessible to ordinary research, and they never affected rights in Michigan appreciably.

The town of Detroit made use of its new prerogatives concerning the prevention of fires, and the use of streets as bowling alleys. There had been some changes in the town since the French days, but not many. The streets were, as before, sixteen and twenty feet wide, and the Chemin de Ronde twelve feet wide, but with some jogs and angles widening it further in places. The main fort was outside of the town, and north of the River Savoyard. In front, on the Detroit River, were two commodious wharves. Governor

Hamilton had replaced the original chateau by a large and fine house of hewn timber. The houses generally were well-built block-houses, one-and-a-half stories high, with peaked roofs starting but a few feet from the ground, and dormer windows. The only sidewalks that could be afforded in such narrow ways were single timbers, squared and about a foot in diameter. East of the stockade were the navy garden and navy yard and cemetery, extending a little east of Woodward Avenue. There were probably some scattered dwellings on the Domain outside. A space of one arpent wide sold from the westerly side of the Askin or Brush Farm, which joined the Domain on the east, was built up from the river to Michigan Avenue with for the most part good buildings, that survived the fire of 1805. The lots within the old town were too small and closely built to afford room for courts or gardens. A few, however, had purchased enough to indulge in this luxury, and these were men of wealth who could afford to follow their tastes and beautify their abodes. The houses, like those built after 1805, were furnished with stout doors and shutters, and the outer door, as in the ancient New York mansions, was divided in two, so that the lower half might be kept closed and the upper half open, allowing all the benefit of light and air without the intrusion of trespassers of the human or brute creation. No vehicles were used that could not be drawn by a single pony. In the centre of each house arose an enormous chimney

with flues of large capacity, not reaching far above the roof, but affording a vent to the great volumes of smoke that arose from generous fire places kept heaped with long beech and maple or hickory wood. Cooking-stoves were not invented yet, and the baking was done in large dome-like ovens, built in the yard or attached to the chimney, or else in bake-kettles or Dutch ovens, where coals beneath and coals on the broad iron cover accomplished the work speedily. The *crémaillère*, or crane, (made classic by Longfellow's beautiful poem, the "*Hanging of the Crane*," ) swung from stout staples in the side of the chimney, with its array of pots and kettles, hung on the pot-hooks and trammels that gave names in our youth to the first efforts of the penman; and the savory roast turned before the fire beneath the chimney-piece and under the open flue, or on long horizontal spits before a tin reflector. These low roofs and great chimneys were not without their inconveniences. It is told of a gentleman who in early times was an exemplary judge and magistrate, that, notwithstanding his dignity, he on one festival occasion, when a good neighbor was preparing a grand banquet, went up to the roof, and without Caleb Balderstone's necessities, dropped a line with a fish-hook down the kitchen flue, while a confederate sent off the cook for a moment, and attached the hook to a fine turkey that had just reached the proper brownness. The frightened servant, returning when the bird had flown up the

chimney, was firmly convinced the disappearance was due to nothing short of witchcraft. In 1828, on a bright summer afternoon, the passers-by on Jefferson avenue were surprised and startled to see a large bear promenading along the ridge-pole of Mr. Thibout's house (directly opposite the Michigan Exchange); and although the alarm given brought out half the settlement, Bruin escaped safely to the woods.

The records of the Trustees show a large weekly list of fines, against the inhabitants who failed to keep their water-butts full, or their leather buckets complete and within reach, or their fire-bags (large canvas bags for removing goods) empty, or their ladders sound. The zeal with which these precautions were followed up shows the constant fear and danger of fires; and was almost prophetic. It was no slight charge to keep up a water supply, for there were few wells, and no means of drawing water but from the river by carts, or in buckets swung on shoulder-yokes. There were no engines; and at fires the people formed double lines to the river, the men to pass the full buckets and the women and children the empty ones.

The other misdemeanors most common were horse racing and bowling. Canadian ponies and their masters were as prone to racing as the heroes of the turf in England; and no amount of fining could keep the prosperous burghers from trying their speed in the narrow streets of the

town. But a more dangerous pastime was rolling cannon balls in the streets. Ninepin alleys required more room than the short blocks afforded, and the narrow highways were tempting substitutes, while an eighteen-pound ball required strength and skill to send it swiftly and straight along the ground. It is not without interest to see that the culprits brought before the Trustees for these transgressions were not vagabonds and loafers, (for the brisk settlement had no toleration for such nuisances), but the solid men of business, who indulged in these simple amusements with the same overflowing mirth that made their kinsmen in Auld Reekie spend Saturday at e'en at high jinks.

The change of the sovereignty took many of the wealthiest merchants into Canada, where a part settled in Sandwich and a part at Amherstburgh. The British Government at once prepared to build a fort at the mouth of the river on Bois-blanc Island, which had been the seat of the Huron mission, and commanded the entrance to Lake Erie. Objection was made by the United States, and the question was serious enough to induce the British to change their plan and build on the main land, near by.<sup>1</sup> Under the Treaty of 1783, the boundary line was to run along the middle of the water-communication between Lake Erie and Lake Huron, and nothing was said about particular channels or islands. It was not until the close

<sup>1</sup> Weld's Letters.



of the last war with Great Britain that provision was made, in the Treaty of Ghent, for ascertaining the ownership of the various islands, by a commission appointed under the 6th article of that treaty. Peter B. Porter and Anthony Barclay were appointed commissioners by their respective governments, and, on the 18th of June, 1822, they determined that the line should run west of Bois-blanc. The channel between that island and Amherstburgh was the main ship channel, and under the common usage of nations (as recently confirmed by the award of the Emperor of Germany on the San Juan boundary question on the Pacific coast) the national boundary line is generally presumed to follow that channel. The nearness of Bois-blanc to the British mainland made it very unpleasant to have such a foothold for a possible enemy, and it probably would not have been agreed to had attention been called to it. The decision of the commissioners was equitable, and no one has found fault with it. In 1796 it was found necessary, in order to protect the Indians, that the United States should establish trading posts, where goods were to be furnished at a low profit and of good quality. The agents and their employees were restrained, under heavy penalties, from dealing on their own account, directly or indirectly, and from purchasing from the Indians any articles of use in hunting, cooking, or husbandry, or any articles of clothing. The laws providing for this, which were temporary,

were extended from time to time until after the erection of Michigan into a Territory. The plan was not perpetuated, although it had some advantages, as it was liable to fraud. The Indians who received annual presents from the British and from our own government of guns, hatchets, knives, cloth, blankets, kettles, and many other articles of use as well as of personal adornment, generally disposed of a large share of these articles before they left the settlements; and when they reached home they were not much better off than when they started, besides having been exposed to the temptation of drunkenness. They would no doubt have taken much better hold of civilization if the appliances had always remained in their possession.

On the 26th of March, 1804, an act was passed providing for the disposal of the public lands within the Territory, to which the Indian title had been extinguished, and directing all claims under the French and English Governments to be presented to the Registers and Receivers of the several Land Offices for proof. By this act, section 16 in each township was reserved for the use of schools within the same, and an entire township was to be located in each of the districts afterwards forming Michigan, Indiana and Illinois, for a seminary of learning. This was the germ of the University Fund of Michigan, and of the Primary School Fund. No surveys could be made with safety until it was known what valid private grants existed. The Register and Receiver of the

Detroit (or Michigan) District did not complete their labors until after the erection of the new Territory. In March, 1806, George Hoffman, Register, and Frederick Bates, Receiver at Detroit, reported to the Secretary of the Treasury that only six valid titles had been made out before them, outside of the town.

It was under these circumstances that, on January 11th, 1805, Congress enacted "that from and after the 30th day of June next, all that part of Indiana Territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purposes of temporary government, constitute a separate Territory, and be called Michigan."

Detroit was made the seat of government, and the ordinances of 1787 and 1789 were adopted as the charter of the Territory.

## CHAPTER X.

### GOVERNOR HULL'S CIVIL ADMINISTRATION.

THE transition to a separate territorial existence was not in all respects fortunate. The people were entirely deprived of self-government, and the times were such that the use of the Territories as political counters, and as rewards for political services, was becoming a recognized practice. The discontented citizen of our own time, who repeats with sadness the perennial story that the former days were better than these, can have no intimate knowledge of those former days. The course of time has removed from sight all but the more prominent features of the period. Those who were on the whole useful and sagacious have been forgiven their lesser delinquencies and unworthiness, and the mutual charges of political corruption and dishonesty, which people forget as easily as they make them, have been lost sight of in the quarrels of their successors. Then, as now, most men who were not very soon cast out, were probably in the main well-meaning and patriotic; and like modern politicians, they persuaded themselves for the time that their personal or party success was so essential to the

public welfare that it was better to use means questionably good, or unquestionably bad, than have the country ruined by falling into other hands. It is not pleasant for sensitive men to have their names and reputations bandied about and smirched, as recklessly as it is too often done by careless writers of items and editorials; but there was not an early statesman, from Washington down, who has not had meaner things said of him than are often ventured on by decent papers now concerning any one. The first half century of the Republic was conspicuous for the malignity of political quarrels, and the utter disregard of the sanctity of the private reputation of public men. In our day men who abuse each other in print, or on the stump, do not generally carry their warfare into social intercourse; and a person who allows his politics to lead him into discourtesy and malevolence in private life, is justly considered unworthy of respect. But in the early years of this century, men believed as well as spoke all manner of evil against their antagonists. Diplomacy had not yet lost the habit of lying and duplicity, and weak nations or communities had no rights which stronger ones respected. The reign of George the Third was a time when many great and patriotic statesmen did honor to their respective countries on both sides of the Ocean. It was also a time when political morality, and the manners as well as ethics of public life, everywhere presented ample room for improvement;

and they have been very much bettered. While, therefore, we may find in the history of this region plain marks of bad and selfish management, it would be quite unfair to lay too much stress upon it. Our territorial governments have been improved in some respects, but selfishness and misrule have not yet ceased to be found among them.

The country which became Michigan Territory after the 30th day of June, 1805, contained at that time no white settlements except Detroit and Frenchtown, and the river settlements, and Mackinaw. Beyond these there may have been a few straggling traders, but no communities. In 1800 the population, (not including Indians,) was only 3,206. This census return must be nearly correct, as in 1799 there were three representatives, each representing at least five hundred free male inhabitants. In 1810 the population had only increased to 4,762. Of these 144 were Indians taxed or colored persons, 24 of whom were slaves. In 1810 there were 2,837 free white males, and 1,781 free white females, showing an excess of males of 1,036. It is evident that a large portion of the immigration was of single men. In 1810 Detroit had a population of 1,650, or more than St. Louis, and nearly as many as Vincennes and Kaskaskia combined, these two being the chief Indiana settlements. There was not a hamlet or farm in the Territory five miles away from the boundary. Immediately across the Detroit River was a province which had begun to improve, and

increased in population very fast. Its people had representative government, and were kindred in blood and actual relatives of a large share of the people of Michigan, and on the most friendly terms with them. Surrounding all the white settlements in Michigan, and lying between them and the other American States and Territories, were gathered considerable numbers of the Indians of the northwest, who had settled down in Michigan and northern Indiana and Ohio, and still retained title to all but a trifling part of the lands in the Territory. Each of these tribes was in the regular receipt from Great Britain of arms, annuities and supplies, and great pains were taken, without resistance by our Government, to keep up respect and attachment for the British. With the previous warning derived from the withholding of the posts and the encroachments on American territory, it might have been foreseen to be dangerous to leave thus isolated from American surroundings or attachments a community whose allegiance had just been changed, and not changed by their own procurement. It offered a strong temptation to our neighbors across the Strait, to make a further effort to get back the peninsula before it could be settled; and, while it is not established that the British Government was directly responsible for all that was done, the sequel showed that the land was coveted, and the effort was speedily made at a terrible cost to the border.

The selection of rulers for such a country, who were to have the entire control both of legislation and of administration, required more care than it received. The appointments were not open to any apparent objection, and perhaps the wisdom that comes after the fact should not blame what was not generally supposed to be unsafe. The principle of appointment followed then is very generally followed now, and none more discreetly. No sufficient heed was given to the character of the population or its ways. No wiser or better men were to be found in the United States than those who had settled in the Northwest Territory after the Revolution. They were men of sagacity and adaptability, with large experience of old as well as new countries, accustomed to every kind of society, and possessing the confidence and regard of their neighbors. The Indians also knew both their worth and their prowess, and had a wholesome respect for the Long Knives. The Governor of Indiana, General Harrison, had been wisely chosen from this class, and that Territory had gone on rapidly in improvement, while the new State of Ohio was increasing with wonderful speed. Michigan needed a western governor and western ideas, but it failed to get the benefit of either.

It is a great mistake to suppose the adoption of good laws is a necessary sign of prosperity. If they emanate from popular bodies, they may indicate (though not always) the popular sense.



But there are often good laws upon our statute books that have never really governed the action of the people, and there are bad laws which have never hurt them, because never carried out fully. It is not on legislation, so much as on the actual conduct of affairs, that prosperity depends. The rottenest governments have had written codes which have been greatly admired, but which never prevented mischief. The codes adopted by the Governor and Judges of Michigan were substantially like those of their neighbors, and were not complained of. But the first decade of the Territorial life was unfortunate. As the time approached for organizing the Territory, Mr. Jefferson sent to the Senate for confirmation the names of William Hull for Governor, Stanley Griswold for Secretary, and Augustus Brevoort Woodward, Samuel Huntington and Frederick Bates as Judges. Mr. Huntington declined the office, and in 1806 his place was filled by John Griffin. As the Governor, under the ordinance, had the entire control of establishing local offices and appointing officers, the character of the local organization depended almost entirely upon his judgment.

Of these persons, Governor Hull was an old Revolutionary officer from Massachusetts; Mr. Griswold an able man but a red-hot politician from Connecticut, who had left the pulpit to become an editor, and who was only comfortable when he had his own way; Judge Bates was a resident land officer at Detroit, of sterling worth,

and admirably fitted in all respects for his place; Judge Griffin was a man of elegant accomplishments, but no great force of character or convictions; and Judge Woodward was one of those strange compounds of intellectual power and wisdom in great emergencies, with very frequent caprice and wrongheadedness, that defy description.

Two of the three Judges, Bates and Griffin, were Virginians by birth, and old friends of Jefferson. Woodward, though generally credited to Virginia, was not, it is believed, a native of that State, but of New York. He resided in the District of Columbia, and had attracted considerable attention from some ambitious writings of a somewhat speculative character, to which Mr. Jefferson had taken a fancy. They had many points of resemblance in their tastes. The executive officers were doubtless selected (being otherwise regarded as competent) because of their peculiar prominence as his supporters, in a region where he was not very popular.

Mr. Griswold, who had made himself useful in various ways in land matters, was for some reason unable to harmonize with the Governor, and it is said desired to supersede him. In this, however, he failed, and was himself removed at the end of his first term of three years; and his place was filled by Reuben Atwater of Vermont. This gentleman was universally respected for his integrity and good sense; and having been uniformly courteous and diligent, and having attended to his own

business without disturbing or squabbling with his neighbors, he has failed to make as conspicuous a place in our local annals as if he had been less exemplary.

Judge Bates remained on the bench a little over a year. He found his associations unpleasant, and with Judge Griffin more than unpleasant, so much so as to have nearly led to a duel. He resigned his commission in November, 1806, and during the next winter was made Secretary of Louisiana Territory, at St. Louis, where he remained continuously in this and other responsible positions, and died in 1825, while Governor of the State of Missouri. His resignation was a serious misfortune for Michigan. After he left there was no interruption in the unseemly quarrels and intrigues which brought the legislative board and the court into contempt, and effectually checked the prosperity of the Territory. But in the outset, and apparently until Griffin came, there was no serious clashing. The latter apparently was not entirely above mischief-making between Woodward and his colleagues; and while he generally adhered to the views of Woodward, he never struck out in any original path of good or evil.

The judges were appointed during good behavior, and Judge Woodward was presiding judge. He arrived in Detroit on the 29th of June, 1805. The Governor reached the town on the 1st of July. On Tuesday, July 2d, the Governor administered the oath of office to the other officers, and organized the government.

They found a very sad state of affairs. On the 11th day of June, 1805, a fire destroyed every public and private building in the town, except a warehouse owned by Angus Mackintosh, and a log-built bakery on the water's edge below the bluff. The warm season had enabled the people to camp out without discomfort, and those who could not find refuge in the hospitable abodes near by, and in Canada, had found rude shelter on the domain adjoining. Some had already put up new houses. The narrow streets and small lots in the old town were not well fitted for the growth of a settlement, and it was seen by all that a more commodious plan should be devised. In the uncertainty that existed concerning the ownership and control of the domain, it was concluded to lay out a town, and provide for the present emergency, leaving all questions to be settled in future. Lots were disposed of enough to meet the necessity, and the case was held over for the action of Congress.

Within the next three months a code of laws was prepared, and adopted *seriatim* in sections from day to day, by unanimous concurrence. The statutes were well drawn and judicious, so far as can be seen. Judicial matters received early attention.

Small cases were left to be disposed of by justices of the peace, and the Supreme Court was vested with exclusive original jurisdiction over land cases and capital criminal cases, and concurrent

jurisdiction over other civil controversies involving more than two hundred (afterwards five hundred) dollars, with appellate power generally. The intermediate jurisdiction was vested in district courts presided over by one of the judges. Three districts were created by the Governor in the first instance, called the Districts of Erie, Detroit and Huron; the District of Erie comprehending the River Raisin country from Ohio northward to the Huron River, and the Detroit and Huron Districts, which were temporarily thrown into one, extending to Lake Huron. A fourth district was created which extended to Mackinaw.

One of the earliest acts provided for raising by four successive lotteries the sum of twenty thousand dollars, for the encouragement of literature and the improvement of the city of Detroit. This act, passed on the 9th of September, 1805, is the first official recognition of its existence as a city. Doubtless the Chief Justice had already drawn in imagination the curious plan which his sanguine fancy, looking forward seven or eight centuries, saw filled out with the completest city ever devised. Less than half a century saw more than threefold its space completely built, but the symmetrical scheme was not as fair in other eyes as in his own. Colonel McKenney, in his "Tour to the Lakes," aptly described it as representing a spider's web with all its lines arranged with reference to a principal centre. The affection of its author for this device was extreme, and his

pride in it excessive; and much of the trouble that afterwards arose, and had its influence on the peace of the Territory, came from the want of respect among his colleagues for this darling child of his genius, which was shorn of its fair proportions and dislocated.

The Governor took immediate steps to enroll the militia. Francis Chabert de Joncaire, Judge Woodward, Elijah Brush and John Anderson, were commissioned colonels, with other officers subordinate. The act adopted for their government gave the Governor power to call them out whenever he chose, and his ill-advised course concerning them was a source of trouble. He appears (as well as some of his subordinates) to have had very high views of military prerogative in time of peace; and the attempt to enforce the same nicety of clothing and equipment customary in the regular service, led to insubordination on the one hand and anger on the other, which did not raise him in popular esteem. But this trouble was not immediate.

The appropriation bills show that a temporary shelter, called a "bower," was built for the court. The grand jury, when the court first met, presented the subject of land titles as requiring immediate attention. No government lands were in market, and the unsettled condition of private estates was an effectual hindrance to prosperity. Until the commissioners reported, no one felt any assurance of title, and their report showed that

there were only six good farm titles in the Territory. The Governor and Chief Justice both went to Washington, and obtained favorable legislation. April 21st, 1806, the Governor and Judges were authorized by Congress to lay out a town, including the old town of Detroit and ten thousand acres adjacent, to settle all private claims for lots, and to convey a lot of fifty feet by one hundred to every person over seventeen years old owning or inhabiting a house at the time of the fire. The remaining land was to be sold to build a court house and jail. Both of these were built many years thereafter, and the court house became the Territorial and State Capitol, until the seat of government was removed to Lansing. It was then devoted to the purposes of a union school, and is now, with additions, the Detroit High School.

On the 3d of March, 1807, an act of Congress was passed granting to each person, or the grantees or heirs of each person, who possessed and occupied lands on the first day of July, 1796, a title to such lands, not exceeding six hundred and forty acres in each tract. Subsequent laws were from time to time passed giving additional grants and pre-emptions to such persons, and in Mackinaw and the remoter districts fixing the date of possession at July first, 1812. Most of these claims had already been presented to the Land Commissioners for allowance, as held under color of British, French and Indian titles. The lands

outside of Detroit were not managed by the Governor and Judges. After providing for all these cases there were adjacent lands extending back about three miles further from Detroit River, which might have been put into the market, but were not, as the surveys were postponed.

Much discord arose in the meetings of the Governor and Judges, in their new functions as a land-board for Detroit lands. They are of no interest as matters of history, except as explaining how the various Territorial functionaries became embroiled, so as not only to prevent proper legislation, but also to impair confidence in all of them.

Another transaction was not without bitter fruits. Early in 1806, Russel Sturges and other Boston capitalists made arrangements to organize a bank in Detroit, with a capital of \$400,000, a very large sum in those days. It was designed to be used in connection with their fur-trade. Their petition to the Governor and Judges was dated early in the spring, and they not only appointed their cashier, but built their bank, before they received their charter, which was given in September, 1806. Judge Woodward was made President of the bank, which began operations, and issued bills. The act creating it was disapproved by Congress, in March, 1807, and gave rise to very severe attacks on the Governor and Judges. Judge Woodward was threatened with impeachment for this and other misconduct, and



Governor Hull's re-nomination in 1808 was opposed, but unsuccessfully. On the 23d of April, 1808, Judge Witherell was appointed judge to succeed Judge Bates. It appears that after Bates' departure, Woodward and Griffin had everything their own way, and paid no attention to the Governor, who was left in a hopeless minority; and that they used their power with some insolence and malice. Judge Witherell was as firm as Woodward, but much more quiet in his ways. His coming gave the Governor the support he needed, as well as the suggestions of a more masculine intellect, and the tables were turned. Henceforth, upon the question of the plan and various other matters of difference, the absence of any one of the four sometimes led to hostile legislation by the opposing majority present.

The bank, in spite of the action of Congress, continued to do business. In September, 1808, when Judge Woodward was absent in Washington, Judge Witherell introduced and passed, against Griffin's opposition, a criminal bill of various pains and penalties, which, among other things, punished unauthorized banking. This ended the Bank of Detroit, but was never forgiven by Judge Woodward, who, as long as he remained on the bench, was never on pleasant terms with Judge Witherell, and they never exchanged words, if they could avoid it, except officially.

Much feeling is said to have been roused by the course of Woodward in 1806, concerning cer-

tain persons convicted of kidnapping. Some British deserters were captured in Detroit by British officers, aided by one or more American officers, and the offenders were tried by jury and sentenced to fine and imprisonment. Some days thereafter Woodward changed the punishment to a nominal fine of a few cents. Why this was done does not appear. He was not a man of British sympathies, and on a subsequent occasion, many years later, expressed himself in favor of a heavier punishment for such cases than his brethren assented to.

In 1807 a very curious case arose concerning slavery. Mrs. Catharine Tucker was required, upon *habeas corpus*, to answer for the detention of Elizabeth and Scipio Denison, persons of color, and she justified on the ground that they were held as slaves at the time of the surrender of the post in 1796, and were assured to her under Jay's Treaty, in spite of the provision against slavery in the ordinance of 1787. Judge Woodward gave the matter a very elaborate examination, and wrote a full opinion sustaining her right. The case was decided on the 23d of September. A few days after, application was made for the arrest and delivery of some Pawnee and mulatto slaves who had escaped from their masters, Mr. Pattinson and Matthew Elliott, who resided in Canada. In this case the decision was emphatic that there was no obligation to give up fugitives from a foreign jurisdiction. Thereupon Lisette

and Scipio went over the river into Canada, where the same doctrines were enforced, and took refuge with Mr. Askin; and they were for a time employed in the family of Angus Mackintosh. They subsequently came back and were never molested,—remaining with Colonel Brush, Judge Sibley and Major Biddle, most of their lives. Lisette accumulated some property. The attempt to obtain Mr. Elliott's servants led to a disturbance. His agent was tarred and feathered, and himself treated with some indignity.

During the year 1807, Governor Hull held a council at Detroit with the Ottawas, Chippewas, Wyandots and Potawatamies, and a treaty was signed on the 17th day of November, whereby they ceded to the United States (excepting some small reserves) the country in the southeast part of the Territory, bounded west by the principal meridian, which is about seventy-five miles west of Detroit River, running as far up as the latitude of the present Fort Gratiot, and thence northeast to White Rock in Lake Huron. This tract coincides very nearly with the land purchased from the Indians and sold by Schiefflin and others to Smith in 1797. By this cession a large region was opened and made subject to survey and sale; but the surveys were postponed, and there was no more land to be bought after the treaty than before.

No doubt a chief reason for not hastening the surveys and sales of lands was found in the fear

of Indian troubles. In memorials sent to protest against Hull's reappointment in 1808, he is charged with timidity, and exciting groundless alarms concerning Indian attacks, and with using undignified means to conciliate individual Indians who should have been punished. It is difficult now to know how much he was censurable for these alarms, but their open expression was not prudent. They were not then, though they were soon after, shared by others. A timid bearing has always encouraged hostilities from whites and Indians both; and Governor Hull's conduct is generally regarded, during his administration, as characterized by alternate fits of activity and vacillation, not traceable altogether to want of courage so much as to infirmity of purpose. He at any rate must have convinced the War Department of the correctness of his suspicions, as in 1807 the town was ordered to be stockaded; and accordingly he or the Secretary (for accounts differ) ran a line of high pickets, with occasional block houses, along the eastern bound of the settlement, including the Domain and adjoining houses, as far north as the street now known as Michigan avenue, and thence west to the Cass Farm and south to the river, including the fort and all public and private buildings. Where the stockade crossed Jefferson Avenue, at the upper end of the Biddle House (then Governor Hull's own mansion), there was a large block house with artillery; and a gate contiguous to the old citadel stood at the western end of

Jefferson Avenue, where the high bluff crossed it, commanding the approaches from the west. The memorials complain not only that this work was imperfect, but that the Governor had, without authority, compelled companies of militia to labor in digging trenches and planting pickets, as if they had been in regular pay and service. While the evident share of Judge Woodward in getting up the memorials requires the use of care in judging of the correctness of the criticism of the Governor's acts, it cannot be assumed that statements of specific facts are unfounded; and his stretch of vexatious authority over the militia in some matters is shown by his own statements. The early military governors had been too familiar with the habits of the British commanders before the Revolution, to be as careful as they should have been concerning popular rights. In this respect Governor Hull did not stand alone, but such conduct was very obnoxious to the people on the frontier.

The Governor also incurred universal censure by enrolling a separate company of negro militia composed entirely, or almost entirely, of recent fugitives from Canada, who were not native citizens, and could not then become naturalized. The act of Congress allowed none but whites to be enrolled, and the state of feeling at that time did not authorize such a violation of law.

In 1808, Judge Woodward, on his departure for Washington, laid before the Legislative Board

a series of abusive resolutions and charges against the Governor, which the latter was unwise enough to reply to at length; — and this was all that Woodward desired. He knew very well that no such resolutions could pass without his own vote, if at all. This, and some other transactions, seem to indicate that the Legislative Board (properly resembling very closely a privy council) had adopted the habit of holding public sessions, and airing its dissensions before the populace. There is no other means of accounting for the ridiculous vamping and pomposity of the Chief Justice, and his indecent strictures upon his associates, nor for the counter-blasts, more decent and dignified, but not judicious, which came from his antagonists. There was a general spirit of pugnacity manifest at their meetings.

But Woodward's conduct at times reached such a pitch as to be beyond excuse. Having on one occasion made an order in a cause which created some feeling, Major John Whipple, (father of the chief justice of that name), meeting him in the street, used some severe and opprobrious language. Judge Woodward undertook to treat this as a contempt of court, and imposed a fine. Some months afterwards, in February, 1809, Governor Hull pardoned the offence, as he had a right, and as was perhaps required in common justice. This led afterwards to difficulty.

The district courts, first created in 1805, had been modified by a statute of 1807, which gave

them some of the financial and administrative duties generally performed by the quarter-sessions or county boards, and provided that they should be held by a chief justice and two associates "of integrity, experience and legal knowledge," appointed by the Governor. George McDougall was first chief justice, and James Abbott and Jacob Visger<sup>†</sup> associates. These gentlemen were not admitted attorneys or counsellors, but were fairly educated and judicious men, fully competent for their duties. In August, 1809, Major Whipple was appointed associate judge of this court for the District of Detroit and Erie. In the latter part of September, Judge Woodward, treating this as a personal slight, procured a grand jury to present the Governor as having granted an illegal pardon; and the same subservient body, doubtless in response to suggestion, recommended the enforcement of the fine, which Woodward carried out by process against Major Whipple. While this presents the chief justice in a very disgraceful light, it indicates great weakness in a governor who year after year submitted to such insults and invasions of right, without seeking any remedy beyond proclamations and counter resolves. The same grand jury was induced not only to present the Governor, but also Judge Witherell, for unwise legislation, and to declare their laws passed in Woodward's absence as "unnecessary,

<sup>†</sup> The writer first read Blackstone in what had been Judge Visger's copy of that author, now in his possession.

nugatory and a nuisance." Fortified by this profound legal authority, Woodward and his echo Griffin, a few days after, declared the whole body of laws passed in Woodward's absence invalid, because not signed by the individual names of the members of the board, instead of by the chairman and secretary. Sometimes the grand jury presented Woodward; but their action in such case was not deemed<sup>a</sup> so correct.

That conduct like this should effectually destroy all the moral force of authority was inevitable. The peculiarities of Judge Woodward were such as almost to render it doubtful at times whether he was not something more than eccentric; while on the other hand his conduct was usually reasonable and becoming, when he was in a position where he was not tempted to act insolently, or where there were strong reasons of policy. During the war of 1812, he was intrepid and active as well as useful in mediating with the British authorities, and was long the only person who effectually interposed to protect the American citizens in Detroit, and to urge redress for their injuries elsewhere. Under General Cass's administration, while often enough provoking resentment from private and official individuals, he did not indulge in such conduct in the board or elsewhere as he used towards Hull, against whom he had a peculiar antipathy. On the bench, however, the recollections of business men indicate that there could not have been any



thorough improvement in harmony, and both he and Griffin were finally legislated out of office. His personal habits were slovenly, and his room was conspicuous for disorder. His worst habit, however, was that sort of audacious impudence which, under the name of eccentricity, has sometimes characterized men of mark, and even made them to be imagined greater than if they had behaved themselves with more civility. John Randolph was an instance of this kind.

In the early Territorial days it had not become so discreditable as it has been in our time for persons insulted to use what Blackstone would have classed among "remedies by act of the party;" and Judge Woodward often provoked, and sometimes received this treatment, while no doubt he much oftener deserved it. If the Governor had ever forgotten his dignity in this way, instead of in less effective conduct, he might perhaps have secured peace, and had better fortune. But Woodward, who never respected him, had discovered his weak points, and that he was more prompt in asserting his rights than in defending them, and so took a malicious pleasure in aggravating him. But beyond this, the Chief Justice regarded himself as the only man in the Territory whose views should pass current without question; and enforced this doctrine when he could.

These quarrels had a bad effect on the public peace. Each of the contending powers had prerogatives which made it to the interest of various

persons to conciliate him. Each had, therefore, his greater and lesser satellites, and among them personal encounters were common. Whether the town was more turbulent than other border towns at that period may be doubted. But the offenders were oftener brought before the courts, and were generally men of standing.

The social condition of the town was good. It had an unusual proportion of educated and refined people, and a fair general standard of education. Unfortunately the earliest school law, passed in 1809, was never printed, and has disappeared. There was no permanent newspaper press until 1817, although in 1809 a small paper was published a little while. We have no full knowledge of the number or condition of schools. But an examination of our public records shows that a very large portion of the inhabitants, both French and English, had at least an ordinary education. Their papers and signatures show a habit of using the pen, and their accounts are neatly and accurately kept. In spelling French words there are tokens that much was taught by the ear instead of the eye, but the orthography of that language was not perfectly followed by many very distinguished men under the French regime, and the blunders found occasionally in our French papers are no worse than abound in public documents. Napoleon has credit for similar mistakes; and in our own language fifty years ago (if not to-day) inaccurate spelling was not proof of ig-

norance. In most garrisons where there were children some pains were taken to teach them. We know from the character of the early immigrants and natives of Detroit that they would not allow their children to lack education; and so far as we have facts they all tend to prove this. In 1798 Father Gabriel Richard, a priest of the Order of St. Sulpice, first came as resident pastor of the Catholic church of St. Anne. His tall and sepulchral figure was familiar to every one during the long period during which he filled his sacred mission. He was not only a man of elegant learning, but of excellent common sense, and a very public-spirited citizen. He encouraged education in every way, not only by organizing and patronizing schools for the immediate training of his own people, but by favoring all other proper schemes for general intelligence. He brought to Detroit the earliest printing-press that was known in the Territory, and in 1809 published a small gazette called the "Michigan Essay, or Impartial Observer." He also compiled and published some religious and educational works for his own flock, and some selections from French authors for reading. He was an early officer of the University, and a teacher or professor in it. His acquaintance was prized among Protestants as well as Catholics. His quaint humor and shrewd sense, in no way weakened by his imperfect pronunciation of English, are pleasantly remembered by all who had the fortune to know him; while his brief

prayer for the Legislature, that they might make laws for the people and not for themselves, was a very comprehensive summary of sound political philosophy.

The researches of some of our citizens have led to the discovery of several names of teachers who flourished before the days of newspapers, although no doubt many more have been forgotten. The Reverend David Bacon (father of Dr. Leonard Bacon) taught a school at Detroit in 1802. Miss Elizabeth Williams, (daughter of Thomas Williams before mentioned), and her cousin Miss Angelique Campau, taught schools as early as 1808, and the school of the former and of her associates and successors was continued many years. From 1812 to 1818 a classical school was kept up by Mr. Payne and Reverend John Monteith. In 1816 a common school on the New England plan was opened under Mr. Danforth. After the organization of the University, in 1817 or 1818, teachers were abundant, and schools thorough and excellent, and more than one of these teachers became eminent in civil and military life. Teaching was a common occupation among ambitious men preparing for their future career.

Not very long after Michigan Territory was organized, the Indians began to complain of the advance of the white men, and that they had signed treaties which they did not understand. No encroachment had been made on the Indians in Michigan, and the Indians there had not

generally preceded the white men in the southern part of the State. But it was true enough that their future was doubtful, unless they learned some of the arts of civilization. Their discontent, however, if it originated with themselves, was chiefly due to the promptings of others. The Northwest Company was deeply interested in keeping the country a wilderness, and the control of it was earnestly coveted by British interests. From all parts of the Indian country reports came that Elliott, the agent at Malden, was tampering with the tribes. Their annual presents were continued on a liberal scale, and they received an extra share of guns and munitions of war. Even as early as 1807 and 1808, there were indications of some mysterious plan of mischief. The wonderful organizing power of Pontiac had long before shown the value of unity to the Indians, and tribes that had once been hostile were found seeking strength in brotherhood. The lesson was not forgotten; and in all the early treaties made by the United States with the Indians east of the Mississippi, it was found that the tribes had become confederated, and that they had counsellors who were not Indians. In 1784, and thereafter, Brant appeared as the great centralizing agent; and in 1794 and 1795, in Wayne's Campaigns, and at the Treaty of Greenville, it was found that although there was much tribal independence, there was nevertheless a very general union, and this was influenced chiefly from Malden by McKee and Elliott, through various chiefs.

The new representative of this unifying policy was Tecumseh, a chief of the Shawanoes, or Shawnees, a body of whom, after the Treaty of Greenville, had established themselves by permission of the Potawatamies and Kickapoos on the Tippecanoe River—a branch of the upper Wabash. This chief was a wise and statesmanlike character, and his ambitions were noble. He desired to advance the prosperity of the Indians by bringing them into unity and civilization. The Iroquois had once advanced far in that direction. The Wyandots, or Hurons, were intelligent and industrious. Some of the southern tribes, especially the Cherokees, had begun the work which still continues as a development of progress made under very great difficulties.

Tecumseh knew the danger of contact with the whites, and he also knew the advantages of Michigan and the adjacent country for Indian settlement. No country on the continent was better adapted for his confederacy. The annual subsidies of the British Government and the blandishments of the Malden agency had done much to retain the old influence, and the sagacious chief was not left in doubt concerning the approval of his scheme by his Canadian friends. The letters from all parts of the country very soon showed that he had come to a good understanding with them, and that he was working under their inspiration. In 1808 and 1809, the scheme became more apparent. His brother, the Prophet, from a

dreamer of dreams and seer of visions, became invested with the character of an inspired teacher, and so worked upon the superstition of the Indians that he was looked upon by tribes near and remote with reverence and fear. Like other such characters, he no doubt became more or less deceived by his own fanaticism; and Tecumseh, from policy or superstition, or both, also assumed to be a believer, although he probably contrived to shape the inspirations very much as he chose. He was not so much of a fanatic as to lose his diplomatic craft, for he contrived for a time to persuade General Harrison (who was a very keen observer) that his schemes were all for the improvement of the Indians, and were not aimed against the whites; and no doubt such was his principal design, if it could have been compatible with white settlements.

The purposes of Tecumseh became known to the Governor General of Canada, and he warned our government of them. It has generally been conceded that while Sir James Craig desired to dismember the union, he did not wish to turn loose the savages upon the American settlements. He prohibited the Malden agency from furnishing arms to the Indians. He expected rather to win over a part of the States by diplomacy. He sent John Henry into New England for that purpose, and had a notion that the Union was about to drop asunder. He, at least, may be acquitted of any complicity with Tecumseh, and it is quite

probable that the Indian agents, while fomenting these troubles, and endeavoring to avenge some personal grievances, were acting independently, and in confidence that they would ultimately be rewarded. There is much mystery about the whole relations with Great Britain at this time. The British Minister at Washington professed ignorance of Henry's mission, and claimed that he had no official relations with the Governor General. The attack on the Chesapeake, made in 1807, was only apologized for in 1811, when the accumulation of other grievances had made war inevitable. Perhaps it is not entirely discreditable that Great Britain has been very forgiving to officers who have exceeded instructions, in order to do what they thought she would be glad to see done. In those days it was certainly not deemed an unpardonable sin to try experiments on the United States.

The time at last came when Tecumseh's plans could no longer be concealed. He failed in getting control of many of the Indians on the border; and while some of them were friendly to him and to the English, the most of the Wyandots, Delawares, Senecas, and even the Shawanoes, remained friendly to the United States. In the autumn of 1811, General Harrison began a movement upon the hostile confederacy, and on the 7th of November he fought the celebrated battle of Tippecanoe, where the Prophet and his warriors were routed, and the peace of that region was secured till after Hull's delays had enabled the



British to become aggressive, and to use the Indians effectively. Tecumseh betook himself to Malden, and thereafter his attachments were unconcealed. He was well received and much favored, and obtained a high rank in the army.

The Michigan settlements could make no headway under such circumstances, and the local affairs of the Territory remained in the same state of discord.

Governor Hull left for Washington before he heard of the battle of Tippecanoe. While in that city he made some useful suggestions concerning the possession of the lakes by American vessels. His earlier advice on this subject had been judicious, and at this time, on the strength of his Revolutionary merits, he was well thought of as a military officer. He had never commanded any large force, nor performed any striking detached service on a large scale. While some of the more distinguished and successful soldiers who afterwards had reason to complain of him became suspicious of his fitness in the earliest days of his command, he left Washington for the west in good general repute.

His civil administration practically terminated when he left for the seat of government. But there was one last civil function performed in the sad interval between his return from Canada and the surrender which followed it, indicating a dangerous omission in the previous legislation of the Territory. On the 13th of August, 1812,

a bill was passed forbidding the sale of intoxicating liquor to the Indians.

There are not many peculiar features in the laws of the first Territorial period, but some further reference is necessary to a few of them.

The want of a press, and the difficulty which was found in determining the legal condition of the country, led in 1810 to a very wise measure, whereby all the French laws and customs, and all English and Canadian statutes, as well as those of the Northwest Territory and Indiana, were abolished. This left the people subject only to the laws of the United States, the Territorial statutes, and the general rules of the common law.

No counties were laid out during the time of General Hull. The districts were the only divisions, and the district judges acted as local administrators. Although there were highway commissioners, there were few roads, and those either in Detroit or up and down the Detroit River. There was no access to the interior except by streams or Indian trails.

The money then in circulation was mostly Spanish dollars, halves, quarters, pistareens, and pieces of twelve and a half, and six and a quarter cents. In the absence of small coin the larger coins were cut into quarters and eighths. Accounts were kept in York currency, of two dollars and a half to the pound, or twelve and a half cents to the shilling.

Several of the early tax laws were never printed, and are lost, and there is no index to their contents. It seems, however, that revenue was raised almost entirely from capitation taxes of one dollar on each male over sixteen years, specific taxes on dogs, horses, asses and mules, and upon vehicles, and taxes and license fees on various occupations. The tax on dogs was ingeniously devised. It assessed fifty cents on a dog if only one was owned, one dollar for the second, and a dollar and a half for each beyond two. The license law for liquor selling punished with severity every dealer who allowed drunkenness or noise on his premises, in-doors or without. It seems that the deputy marshal, who was jailor, had been charged a full tavern license; as a law was passed requiring him to pay but one dollar, instead of the greater sum, for the privilege of entertaining his involuntary guests.

The district courts were abolished in 1810, and there appears a hiatus for some years in the published laws, as to compulsory jurisdiction over the cases they had dealt with. Probably they were remitted to the Supreme Court. Parties in the district courts could waive a jury. On the other hand, cases tried there by jury could be appealed for a new jury trial in the Supreme Court—a practice which afterwards, under a somewhat modified system, was found oppressive. Testimony in equity cases could be taken in open court, if desired. This was allowed in the United States courts by the early judiciary act.

On the 19th day of January, 1811, Judge Woodward appeared in the legislative board clad in a suit of American cloth, (as the record carefully recites), and introduced resolutions in favor of American industry. This was no doubt meant for the audience. It is not reported what effect it produced, at home or abroad.

In the early part of 1807, on the 23d day of January, a law was passed which seems to have been in some way connected with Burr's conspiracy, but which is not explained. It is a very elaborate and carefully framed statute to prevent and punish acts hostile to the peace of the United States, reaching all attempts and incipient preparations by land or water, authorizing the seizure of persons, arms, supplies and boats or vessels, and giving unusual powers to call out forces, and punishing with great severity military officers neglecting or refusing to respond.

It is known that Mr. Jefferson received information in October, 1806, which excited his suspicions against Burr, and that he notified some of the western governors to be on their guard. In November, Colonel Daviess was foiled in an attempt to have Burr held to bail in Kentucky; but the Ohio Legislature, before the middle of December, passed an act from which ours was copied. Whether there were any suspicious movements in this region, or whether the act was passed merely from abundant caution, is now un-

known. The news of Burr's arrest could not have reached Detroit for some time after its passage.

The war of 1812 and its consequences made a sorrowful ending to a period of no political progress, and which was not an auspicious opening to our public career.

## CHAPTER XI.

### GOVERNOR HULL'S MILITARY ADMINISTRATION.

THE discussion of the events of the War of 1812 in a purely military point of view, is not within the purpose of this sketch, and not within the writer's skill. But they were events of such great political and social importance to Michigan that an outline of them is necessary. This involves unavoidably a reference to the surrender of Detroit. Upon this, whatever may have been the laudable desire of personal friends and affectionate relatives to remove obloquy from an officer of very kind heart and many good qualities, there has been a substantial agreement among military men, and no appreciable difference of opinion among the citizens and officers who had most reason to understand and observe the circumstances. The details of the war, and of this most disgraceful and lamentable occurrence in it, have been made familiar by many historians, and given in the Field Book of the War of 1812, with much fullness as well as with general accuracy, by Mr. Lossing, who has done so much with pen and pencil to perpetuate our military history. No attempt will be made to go into these particulars at length.

The conduct of the War Department of the United States in delaying important preparations, and in not using greater diligence in sending out knowledge of the declaration of war, was very reprehensible. And so far as it really interfered with any military successes, the excuse should be, and has been, allowed to all officers and others who did their best. But it is also no more than just and reasonable to discard from allowance any difficulties or dangers, which, although they might have been possible, either had no effect upon results or were not in fact existing; and when existing, were not of such a character that at the time any one should have acted, or did rationally act upon them. The delays and difficulties were not confined to American movements and preparations; and the antecedent fears of some wise men and good officers at a distance, concerning the precise nature of perils on the frontier, would not all have been entertained had they been on the spot, and known the condition of affairs on both sides of the line.

There was opposition to the declaration of war, and of course it was among the possibilities that it would not be made. It appears from various sources, and especially from those brought to light in General Hull's behalf, that he was opposed to declaring it at that time, and especially opposed to it so early, as endangering his civil jurisdiction and the people living under it. He claims also to have been opposed to the invasion of Canada

(although his previous letter may bear a different construction) on similar grounds, and for the reason that he regarded it as too strong to be overcome by the American forces, and as likely to be dangerously aggressive in return. He was reluctant to accept a military command, not because of any doubt of his own ability, but as it now appears for the reason, among others, that it might involve an expectation on the part of the Government that he would attempt to invade Canada; while he saw fit to think it his paramount duty not only to look chiefly to the interests of the Michigan settlements, but to put his private judgment on this policy against all other considerations, and carry it out at all events. No one can read his own defence, or the undisputed facts of history, without seeing that he claims credit for having been constantly moved by this sentiment. He was acquitted on the charges of treason. It was not believed he meant to deliberately injure or betray his country. But while free from that design, which would have made his memory as black as Arnold's, he was not, if we accept his own vindication of himself, free from that fault, which, though not so disgraceful morally, is not much less dangerous, and which has been the destruction of many promising reputations, of imagining that military officers have a right to determine the policy of their government, and are only bound to carry out such measures as they deem expedient. An officer who prophesied failure



before war was declared, unless his views were accepted, and whose anterior views, as to the means of preventing mishap, were not carried out by Congress or the War Department, was certainly in danger of fulfilling his prophecies, and of convincing himself that the failure was inevitable. If Hull was really as frank in his prophecies to the War Department before his appointment, as he was ingenious in finding out afterwards reasons why he ought to have failed, there can be no doubt that his selection, reluctant or unwilling, was one of the worst faults that could have been charged against that office. But this is hardly credible. At any rate it was not known to the public, and is very doubtful in fact. The General had a reputation for bravery in the Revolution that was honestly earned. The miserable squabbles at Detroit had not become so far known outside that any one had discovered his personal foibles and infirmity of purpose; and very good soldiers have had weak points, and been led into ridiculous positions by such annoyances, without losing their military qualities. The selection, so far as we can now see, was justified by existing appearances. With the aid of subsequent events to suggest a full inquiry, we can now, with that *ex post facto* wisdom, which no one then could be expected to possess, easily see that the indecision and readiness to avoid trouble which led him into so much mischief, and his fussy attempts to persuade others and himself that he had some energy,

had not been of entirely new origin, although advancing years had made it easier to yield to them and harder to resist them. He had never, during his Revolutionary career, held command of an army, or any command of any great responsibility, or one which called for much more than personal bravery and devotion, which he certainly had shown. He had been sent on two missions to Canada, one to General Haldimand, to seek the delivery of the posts, in 1784, and one to Governor Simcoe, during the pendency of Jay's negotiations, to arrange for the access of commissioners to the western Indians in our Territory. In the former he accomplished nothing. In the latter he was certainly evaded and misled, by the address of Simcoe, and showed very little sagacity. In both he had talked with vigor and spirit, and in both he had been easily satisfied. The British governors had resorted to much personal flattery and attention, which he greatly appreciated, and probably produced some effect on his judgment by so doing. In the steps which led to the final surrender, General Brock deliberately and understandingly calculated on the result, and worked on his fears with a confidence which would have utterly destroyed the British expedition, if any one else had succeeded to, or assumed command. It is not, indeed, to General Hull's discredit, that his character was open enough to enable those who were dealing with him to discern his defects. And they were of that character which are very seldom recognized by their possessor.

The war was declared on the 18th of June, 1812. News of it should have reached General Hull several days earlier than it did; and, as he received one communication of that date from Washington, written earlier in the day, by express on the 24th, it may be assumed that the same diligence should have informed him on that day, or the next, of the declaration. News reached Malden on the 30th of June. It reached Hull, near the River Raisin, on the 2nd of July. As declarations of war are not made in a corner, and as the British would not have been foolish enough to have no means of immediate knowledge at Washington, there was no reason why the British post should not have been informed as early as any Americans near by. Malden was practically nearer Cleveland, where Hull's dispatch was sent from, than Hull himself was. But there was equally no reason why every exertion should not have been made to inform the Americans. The fall of Mackinaw was due directly to the fault of the War Department in failing to send news. The fall of Detroit may be palliated by it just so far as it was affected by it, which was very little, if at all, as this happened six weeks later.

Governor Hull spent the winter of 1811-12 in Washington, and knew all that was going on. It is possible that he entertained the idea that a British war would be avoided. He felt much more kindly to the British than most Americans did, except in a small part of the country; and on

his journey down, he had been furnished with a passage across the lake by a British armed vessel detailed on purpose; — a handsome courtesy recognized by our journals, and creditable to both parties. But he himself expected Indian hostilities, and he knew perfectly well that the administration expected war with Great Britain. He knew that the force under his command was raised with that anticipation, if not for that immediate service. He also knew that Congress had, by sufficient majorities, adopted legislation that would have been absurd except in that view. The infatuation that could make any reasonable man suppose war would not be declared, after all these preliminaries, was marvellous, and would be incredible, if we did not know there were sections of the country, and other more able men than General Hull, among his old neighbors, that entertained that notion. That a general sent out to the frontier with an army, did not at least feel bound to act in all his course as if war might be declared at any moment, and then one party or the other must do some fighting, was one of the fatalities of Hull's unfortunate career. No administration could have delayed it, and it is strange he should have thought so, if such was his notion.

The invasion of Canada was very openly discussed early in the winter. Before accepting command, General Hull had, in writing, expressed his views on the subject, in which he plainly expressed his opinion in favor of putting at Detroit a force

adequate to protect that place, as an alternative, and not as an appendage to a plan for getting control of the lakes; and that, with Detroit protected, the Indians could be kept from Malden, and the British, unable to hold Canada without them, would leave it, and the command of the lakes would be obtained without a fleet. Mr. Eustis did not corroborate his statements concerning his further representations, as being quite as positive as he asserted them from recollection to have been. Before the middle of January, the President had been not authorized but required to add to the regular army a force of more than 25,000 men. On the 6th of February he was authorized to accept 50,000 volunteers. On the 14th of March a loan of eleven millions was authorized. On the 4th of April an embargo was laid. And during all this time the necessary supplementary laws were passed, for supplies, ordnance and ships, and for organizing the customary corps and appliances for the staff department.

It was during this period that the President called for 1,200 Ohio volunteers, and planned a movement to Detroit with an army including those and the 4th Regiment of United States Infantry, which had been engaged in the Battle of Tippecanoe, and was commanded by Colonel Miller, who afterwards obtained distinction on the Niagara frontier, and was made famous by his modest "*I'll try, sir.*" Hull, after declining command in the first instance, afterwards accepted it, and did so

unconditionally. The volunteering went on very rapidly, and much greater numbers came in than had been called for, but all were accepted. Three regiments of foot and a considerable force of cavalry were mustered in. Duncan McArthur, James Findlay, and Lewis Cass, were chosen colonels of the first, second and third regiments. Their other field officers were Majors James Denny and William A. Trimble of the first, Thomas Moore and Thomas B. Van Horne of the second, and Robert Morrison and J. R. Munson of the third. It is not known or reported that there was in the whole command an unworthy officer of any standing. Some of them were men of tried bravery and personal distinction. All the superior officers were already well known and trustworthy. Colonel Miller's command was one never surpassed in soldierly qualities, and Duncan McArthur was spoken of by Brock as "an officer of high reputation." All of them soon earned it.

Some stress has been laid by Hull's apologists upon the fact that the troops were chiefly militia men, and not under proper subordination. They were no part of the ordinary militia, in the proper sense of the term, and were the same kind of troops that in all our wars have been the chief reliance of the government. One of Hull's conspicuous faults was his notion (drawn partly, perhaps, from his old experience with Steuben) that troops who were not trained and apparelled according to the army regulations were not to be

implicitly trusted. He had before made trouble in Michigan by this finical disposition, and it may have been one of the causes of dislike which arose in the army quite early. No one doubts that it is advantageous to secure uniformity and system in little things as well as in great, when it can be done without too great delay and the sacrifice of other things. But it is idle to expect volunteers to become martinets, and it is very questionable how far it is best to go in that direction. In the wars of the west, there was a great deal of hard fighting in a very rough way, and those were generally found to be the best commanders who least annoyed their men. It is very certain that if there was insubordination it did not interfere very seriously with the proper work of the army, although there was some which arose from its being kept back from its work. This fault-finding with the volunteers is the less to be respected, if the court was justified in finding him guilty on the specific charge of neglecting the inspection, training and exercise of these troops, during the period between his arrival at Detroit and the surrender. The testimony covered the whole period after he took command; but the court very justly exonerated him from liability for such neglect on the march through the wilderness, but condemned him for the rest.

On the 30th day of June, Hull and his army, after a tedious and fatiguing march of nearly three weeks, arrived at the Rapids of the Maumee, a

few miles above the present city of Toledo. On the 24th, as before stated, Hull had received letters from Washington saying nothing about the declaration of war, but urging haste. He had also heard from Secretary Atwater, at Detroit, that affairs looked threatening. On the 24th Colonel McArthur also received letters showing that an immediate declaration was certain, and that it must before that have been made. General Hull refused to credit this, although coming from sure sources, because he could not imagine any one could be informed earlier than himself. On the first day of July he sent forward, by vessel, some of his invalids, his baggage and entrenching tools, and hospital stores, and a trunk containing all his instructions and military papers, with the muster rolls of the whole army. Three officers' wives went as passengers. A smaller vessel, under charge of a surgeon's mate, was sent up at the same time. The army moved on by land the same day.

The larger vessel sailed through the main channel of the Detroit River, which passes in a narrow space between Malden and Bois-blanc Island, and was there captured on the next day. The smaller vessel followed the American channel west of Grosse Ile, and reached Detroit without interruption. The first specification against General Hull under the charge of treason, related to sending the vessels to Detroit, with his sick men, papers and baggage. Although he successfully



pleaded to the jurisdiction of the court martial to try him for treason, the court were satisfied he had no treasonable design, and so certified, and also acquitted him of criminal neglect in the matter. It is very doubtful whether he knew of the transmission of his papers before the vessel sailed. But as they were in the hands of his son, whom he had a right to trust, he was not at fault for not making special inquiry on the subject of their transmission, and so the court found.

It was discovered, some time before they reached the Maumee, that those among the Indians whose fidelity was doubted had already left the country and gone to Canada. The number of these from Ohio was not very great. The road to Detroit was not difficult, and it was traversed at the rate of twenty miles a day. One day (the 4th of July) was spent at the Huron River, near Brownstown, in building a bridge. Having learned of the declaration of war the day after leaving Maumee, there was some anxiety about an attack from Malden. But no difficulty occurred, and the troops arrived at the Sandhill, at Springwells, just below Detroit, on the evening of the 5th of July. This spot, just above the present fort, was then remarkable for a multitude of small springs or natural wells, amounting to hundreds, a few feet apart, and generally coming up to within a few inches of the top of the bluff, in holes of from three to six inches in diameter. On the continuation of the knoll, not many rods below, were three Indian

mounds, circular in form, one of which was covered with timber. These were removed when the present Fort Wayne was built, and were found full of Indian remains and ornaments. The sand-hill and springs, which have been destroyed by removal of much of the bank, reached considerably further up the river than the fort. This beautiful spot was known among the French as Belle Fontaine, and was, on account of its dryness of soil and salubrity, a favorite camping ground. It was the camping place of the troops who, twenty years later, were sent out against Black Hawk; and six years thereafter, for a few hours, of the motley array that were enlisted in the so-called Patriot War. As a point commanding the river both up and down from the only bend in it, the place is of military value and now fortified.

Immediately on reaching Detroit, the army clamored to be led to Malden. Colonel Cass had been sent to that fort to communicate with the commander, St. George, concerning the persons captured on the Cuyahoga schooner. He had opportunities to see its condition, and made it known to the general. The latter put himself upon the terms of his Washington letters, and refused to move without orders. On the 9th, the orders came, authorizing him to commence offensive operations; and, after dallying a day or two, he moved across to Sandwich, at the centre of the present town of Windsor, and issued a spirited proclamation, which was penned by Cass, and which

General Brock found much in his way.<sup>1</sup> This ended his serious work of invasion. Cass and McArthur, with others, made several expeditions and reconnoissances in force, and demonstrated the weakness of that part of the Province,—McArthur pushing up the Thames as far as the Moravian towns, and bringing back considerable supplies, and Cass reaching the Canard River, five miles above Malden, and driving back from the bridge, where a battery was erected, its original guard and reinforcements sent up from Malden, and only pausing when darkness set in. The refusal of Hull to follow up their advantage was a charge on which he was convicted. The garrison at Malden was actually preparing to evacuate the place, in expectation of an attack which they had no force to resist.

<sup>1</sup> The following passages from Brock's Life are fully sustained by Brock's official and private letters :

"The invasion of the western district by Brigadier General Hull, and the artful and threatening language of his proclamation, were productive at the outset of very unfavorable effects among a large portion of the inhabitants of Upper Canada; and so general was the despondency, that the Norfolk militia, consisting, we believe, chiefly of settlers of American origin, peremptorily refused to march.

\* \* \* \* "Not only among the militia was a disposition evinced to submit tamely, but five hundred in the western district sought the protection of the enemy. It is true that the people were then far removed from the seat of government, and the more subject to hostile influence, as they were principally composed of French Canadians and of the natives of the United States, or their immediate descendants; but even the Indians, who were located on the Grand River, in the heart of the province, positively refused, with a few exceptions, to take up arms; and they announced their intention, after the return of some of their chiefs from General Hull, to remain neutral, as if they wished the authorities to believe that they would remain in peace in the midst of war."—*Life of Brock*, p. 204-5.

General Brock, complaining of the apathy or disaffection of the people, referred to the success of "one Watson, a surveyor from Montreal, of a desperate character," in penetrating unopposed with a small cavalry force as far as Westminster.<sup>†</sup> This was no doubt Captain Joseph Watson, at one time Secretary to the Governor and Judges, and City Register.

The story of this period has been amply told by many others. Malden was exposed and weak, and its condition was known to the army, not only from Cass, but from spies and prisoners. The capture was certain, and would have given the Americans command of the Detroit River and its approaches, as well as broken up the Indian headquarters; and the line of supplies would have been open by land to Ohio and Indiana, as he had anticipated in his manifesto of March 6th to the Department. The Indians along the American side of the Detroit River did not go over to the British until the early part of August, and then did it unwillingly, if not under compulsion; and if Malden had been taken, it would probably never have happened. No vessel could have gone up and down the river without coming within easy range of batteries. The British vessels were not formidable against land-batteries, and, moreover, during all this time the American vessel, Adams, was idle at the navy-yard on the River Rouge, repairing, but capable of

<sup>†</sup> Brock's Life. 199.

speedy fitting, and stronger than the Queen Charlotte. Within a very short period after the surrender she was armed by the British with 18 guns, as the "Detroit," and on the 8th of October was captured near Buffalo, with the Caledonia, by Lieutenant Jesse D. Elliott, of the navy. She was burned and General Hull lost some of his baggage and papers in her.

Up to the fourth of August, there was no intimation given by the General to the Secretary of War, that he felt any anxiety for lack of forces or support. In his letter of July 9th, in answer to that allowing him to move forward, he does indeed say that he does not think his force equal to the reduction of Amherstburg, and that the Secretary must not be too sanguine, but that he will do everything possible to be done. But on the 22d he speaks much more decidedly. He writes that he is making preparations for the siege, which will be ready in two weeks; that his army is able to take Malden by storm, but thinks it would be with too great a sacrifice under present circumstances; that he is making preparations for an attempt on the Queen Charlotte, and that if Malden was in his possession he could march his army to Niagara or York in a very short time.

At this time he knew there was to be no lake force, and he asked for no reinforcements, and the tone of his despatch was that of a resolute and firm commander. His communications had not been disturbed, and no detachments of Indians

had been sent across the river. The ordinary mails came through in about fifteen days from Washington, and he had never sent expresses, which could have gone in half the time, or resorted to any cypher or other device to prevent mischief by this interception. He did not inform the Secretary of the opinions or urgency of his officers, but left him to understand that they were all of one mind with him; and in every instance when he resorted to a council, he followed it if a single vote of an inferior officer made a tie or a majority against action, though opposed by the superior officers; and when the majority was in favor of prompt action, he as uniformly disregarded it.

The long delay, and the General's obstinacy in refusing to allow any decisive action, led to all the worst evils that followed. Knowing the delay in his own advices, he must have known the British would get news of the war to the upper country first, as he was in the only American line of travel. He took no steps to forward advices, and does not seem to have paid any heed to the existence of Mackinaw, or the dangers it must inevitably run from a surprise. It was a very important post in his own civil jurisdiction, and the lives of its garrison and people were as important as those of his Detroit neighbors. He had dwelt much in his former communications to the government upon the influence of the trading companies over the Indians, and their inveterate hatred to the Americans; and the prospect of the

capture of Mackinaw, and of the consequent letting loose of the northern tribes upon the lower country, was one which could not have escaped his notice, if he had given ordinary thought to his duties. The capture of that post, and the rising of these tribes, are dwelt upon in his apology and defence as justifying his timid course afterwards. But they were inevitable, unless by some vigorous course at Detroit. The rallying place of British influence at Malden could have been broken up; and he had, in March, declared that this would be an effectual measure, as no doubt it would have been. If he had been more diligent beforehand, and less astounded afterwards, the long list of massacres on our borders would have been diminished, if not entirely prevented.

The news of war reached the British post at the Island of St. Joseph, and the American friends and abettors of the British at the Sault, about the middle of July. The force of regulars sent from there was forty-two men and four officers, which probably comprised most of the garrison. On the 16th of July they started for Mackinaw. The expedition consisted, besides, of the armed brig *Caledonia* (afterwards captured with a large cargo of furs at Buffalo, and doing good service under Lieutenant Turner in Perry's fleet), 250 Canadians, servants and agents of the Northwest Company, and traders, and 500 Indians, the savages being under command of Robert Dickson, and John Askin, Junior, and his son. The white

Canadians were led by John Johnston, Crawford, Pothier, Ermatinger, La Croix, Rolette, Franks, Livingston and others, all traders. From 80 to 100 Indians joined them on the way, and they found about 70 allies in Mackinaw.

Lieutenant Porter Hanks, a brave and estimable gentleman, commanded at Mackinaw, with a garrison of 57 effective men and officers. On the 16th, he had heard from an interpreter some rumor of an intention of the Indians at St. Joseph to make trouble, and the coolness of the chiefs at Mackinaw induced him to believe mischief was brewing. He consulted with the American gentlemen on the island, and it was agreed to send Captain Michael Dousman of the militia, who volunteered to go out and watch the Indians. He started in the evening near sunset, and was captured about 15 miles out. The British landed that night on the side of the island away from the fort, at a beach ever since known as the British Landing. Dousman gave his parole to take the people and assemble them on the west side of the island, and put them under protection of the British guard, warning them not to go to the fort, and telling them, if any resistance was made from the garrison, there would be an indiscriminate massacre of the whole population. He also agreed not to inform the commander of anything. Pursuing these directions, he succeeded in collecting the people, and in concealing all movements from the garrison, until the surgeon Dr. Day, passing



through the village, noticed and inquired into the excitement, and informed Hanks, who at once prepared for defence. He discovered, however, that the height known as old Fort Holmes, a short distance back of the fort, and completely commanding it, was already occupied by the British with artillery, and that resistance was useless. This was the first notice he received of the declaration of war. He did not surrender until he had sent three American gentlemen, besides his officers, with a flag, to ascertain the force of the enemy, and obtained honorable terms; nor until the unanimous opinion of both garrison and citizens declared it necessary.

The prisoners marched out with the honors of war, and were paroled; and Lieutenant Hanks and his associate officers arrived at Detroit with the news, on the 29th of July. The inhabitants who refused to take the oath of allegiance were compelled to leave the island. Some of them became more than submissive, and were active and willing renegades. The conduct of the Indians at Mackinaw, as well as subsequently in the lower country, showed that they were sufficiently under control of some, at least, of the British officers and agents, to restrain their savagery until allowed to indulge it by their white leaders; and while these deserve such credit as is due for any forbearance, the responsibility for outrages actually committed in the presence and under control of similar agents elsewhere, is justly chargeable to all who intentionally favored or allowed them.

Whatever allowance may be made for the old predilections of those traders who had taken up their abode in the United States, without electing to retain their British allegiance, their voluntary and unnecessary enlistment in such expeditions was a plain act of treason, for which they deserved punishment. But by some strange oversight in the subsequent legislation of Congress, or by an interpretation of their statutes which was at the extreme verge of liberality, every one of the settlers at Mackinaw, Green Bay, or the Sault Ste. Marie, who occupied land on the first of July, 1812, was confirmed in it, as a donation and not as a right, although the testimony was clear that nearly the whole Green Bay settlement, and many of the people at Mackinaw and the Sault, were actively disloyal. How far, if at all, Dousman, against whom the land office affidavits were very strong, was engaged in active disaffection, was never judicially examined. Some of the commissioners regarded the charges as malicious.

The arrival of Lieutenant Hanks disturbed Hull's quiet, and gave him natural alarm, and he called for reinforcements on the day when he received the news. But he spoke in the same confident tone to the Secretary, and to Governors Scott and Meigs, as he had done before, with the air of a general who had been constantly on the alert, saying: "The operations of this army have been hitherto successful, and it is of the greatest importance that the objects should be effected."

It is needless to add that those patriotic governors acted with their usual promptness, and that Detroit was not lost through their remissness, nor from any reason to fear their duty would not be performed.

Colonel Proctor reached Malden a day or two before the arrival of Hanks. He came by Lake Erie and brought no force with him. But the news from Mackinaw had its natural effect in deciding the Brownstown Wyandots, under Walk-in-the-Water, to submit or adhere to the British. Information being received that Captain Henry Brush of Ohio was coming up with supplies, Hull, on the 4th of August, detached Major Van Horne of Findlay's Regiment to meet and escort him. Proctor sent over a force of soldiers and Indians to intercept him, and he was, after a gallant fight, compelled to return. On the day when he sent down this detachment, General Hull had written to the Secretary of War, informing him of the movements on the upper Thames by Major Chambers of the British army, whom he expected to hear from as gathering the Indians and militia to reinforce Malden, but who, as it turned out, failed to accomplish anything, because they would not join him. He also mentioned Proctor's arrival, and the capture of the Brownstown Indians, by whites and Indians from Malden, as not unwilling captives. He speaks of consulting the principal officers, and says, as if there had been no discord, that an attempt to storm the fort without artillery

was deemed inadvisable. He also shadows forth the idea that possibly he may be compelled to re-cross the river to keep open his communications with Ohio, and states that "I am constantly obliged to make a strong detachment to convey the provisions between the foot of the rapids and Detroit."

Some of these statements are singular, when compared with the testimony and his own defence. Van Horne's was the first detachment he had ever sent out for the purpose, and this, in view of the known facilities of Proctor to send troops and Indians over from Malden, was represented by McArthur, at least, to be, as it was, grossly insufficient. One of the charges Hull was convicted of was neglect of duty in not keeping open his communications, and in sending out Van Horne without adequate force. He leaves the Secretary to infer that he has always kept them open, that a large force was necessary to do it, and that it might need a movement of his entire army. This movement meant, as was afterwards avowed, a conversion of the whole army into a couple of garrisons at Brownstown and on the Raisin, which would have left Detroit with no considerable force, and which would almost have insured the capture in detail of the whole line. But in fact this project of re-crossing the river, though submitted to a council on the first of August, had been unanimously scouted; and the opinion was given, with no serious, (if any) dissent, that the only effectual

way to keep open communications with Ohio was to take Malden. The General assented to this, and, upon the assurance that the artillery would be ready in a day or two, it was carried by Hull's casting vote that they should wait for the artillery. At this time one of the two guns was ready, and the other nearly so, and prepared in five days after. All the colonels were in favor of an immediate movement.

The mail was sent on immediately behind Van Horne, with a small mounted escort, which caught up with him and was captured during the engagement. It is a little singular, and shows diligence and activity in Proctor, as well as a lack of secrecy or fidelity in some one in the American camp, that both Van Horne's and Colonel Miller's detachments, which started in the evenings of the 4th and 8th of August, were encountered in the morning at Brownstown and Monguagon, by forces sent across the river by boats during the night. Monguagon, the present site of Wyandotte, (the old home of Walk-in-the-Water,) is about six miles from Malden, and Brownstown not far from the same distance, and the river is very wide, with islands intervening. The news must have gone down on the Canada side much faster than the troops did on the American side.

The letters captured in the mail at Brownstown were very dismal, and furnished Brock with the intelligence of Hull's state of mind, which gave

him confidence to assume a bold front and count on success.<sup>1</sup>

On the 6th of August, the artillery being ready, General Hull issued an order to attack Malden on the 8th. On the 7th everything was completely prepared, when (as Hull says, because of certain letters received from Generals Porter and Hall on the Niagara, intimating that a force was moving westward from that quarter,) he suddenly, and against the indignant remonstrances of his officers, ordered a retreat across the river; and the army, except a small detachment left in an entrenchment, crossed that evening. In his then asserted desire to open his communications, and his subsequent profession of a wish to spare the effusion of blood, which has since come to the front as a reason for self-gratulation for daring to be governed by humanity, he proposed to take his whole army back to the Maumee. How it would tend to save the blood of the Michigan settlers, to leave them unprotected, and with the assurance that the American army would not help them, to the tender mercies of the thousands of savages who were expected to overrun the country, is not manifest. His whole defence against the principal charges against him is based on this notion of saving blood. But when he came out from Washington, if he did not expect to fight British, he did expect an Indian war, and all its attendant horrors. He knew that Tecumseh was determined

<sup>1</sup> Brock's Life, p. 267.

to clear the land of the Americans, and that the natural process of depopulation was by unlimited massacre and barbarity, and that this would come unless there was fighting. The whole experience of the west had shown that when the Indians once begin mischief they never end it until they are thoroughly put down; and that the first sign of timidity is an infallible invitation to the use of tomahawk and scalping knife. That Hull would not have quailed from danger that was merely personal is very possible. He had certainly been brave enough in his youth. But his conduct during the whole period, from the arrival of Hanks to the surrender of Detroit, can only be honestly as well as charitably explained by supposing him to have been completely unmanned and confounded by his responsibilities and surroundings, which before he had as strangely failed to appreciate. He was entirely lacking in executive ability, yet fond of asserting himself. He was afraid to take decisive action, and a chronic procrastinator, and these defects relieved him from the most serious imputations of disaffection which would otherwise have been inevitable. If he had not been found lacking in ordinary military qualities, no charity could have saved him from worse charges.

There is no doubt, as he complains, that from this time forth, and probably very much earlier, his officers did not conceal their opinions of his conduct. The proposal to retire upon the Maumee was met by an unequivocal avowal that his

troops would not follow him. It became clear that he had become disposed to avoid any fighting. It is quite likely that thus early he saw indications that his command might be divested, then or soon after, and active measures enforced by others; for when the time drew near for the final act in the drama, the two most active volunteer colonels were on detached service. As early as the 12th of August, Cass and McArthur had informed Governor Meigs that Hull had talked of a surrender, and they had then determined to displace him. And he probably had either information, or else sufficient shrewdness left, not only to know that they would never tolerate a surrender, but to know, or infer, how they would have prevented it; and he managed to thwart them.

During the interval of five days, when his army was awaiting the completion of the siege guns for attacking Malden, occurred the most tragic affair for which he was immediately responsible, and for which neither General Hull, nor any one else, has ever given an explanation. That he appreciated the act, or desired, or actually expected the horrid result, his worst enemy would never have charged against him. But, so far as can be known, he kept his action from the knowledge of his officers, and yet confided it to some one who made it known to the enemy. And it may be remarked that the coincidences of evil are so many, that it seems almost certain either that Hull himself was a traitor, which no one supposes, or



that he had a spy or traitor constantly with him, having means of getting possession of his plans. But that person, whoever he was, has not been detected and identified, and no reasonable suspicions have ever been aimed at any one.

On the 9th of August, 1812, a Potawatamie chief named Winimeg, or the Catfish—said to have been a faithful friend to the Americans, and a private friend to the Kinzie family,—made his appearance at Fort Dearborn, with a letter from General Hull to Captain Heald, the commander, ordering him to evacuate the post and proceed with his command overland to Detroit, leaving it to his discretion to dispose of the public property as he thought fit. Chicago was at this time surrounded with Indians, and had been for some time in a state of siege. Colonel Anderson, of the Michigan Second Regiment, at the Raisin, notified General Hull on the 5th of August, that the Indians were swarming in from the west towards Malden. Winimeg privately informed Mr. Kinzie that he knew what was in the letter, and urged him to dissuade Heald from obeying it, or to persuade him, if he did so, to depart at once, before the surrounding Indians found it out. But as the post was strong and well supplied, he urged that it would be safe to hold out, as they had done some time, for reinforcements. The Indians never made much impression on any defended post, and this advice was wise; but Heald insisted he must obey orders, and yet dallied several days and ag-

gravated the danger. His associates and the civilians in the fort, who were experienced in Indian ways, protested against his giving up the fort; but he was stubborn. He says in his report that the Indians knew of his instructions as soon as he did himself, and came flocking in from all quarters to receive the goods which he was to distribute. During the delay, Tecumseh sent over a message to the Indians informing them that Hull had crossed the river, and would no doubt soon surrender, and calling on them to arm and come over. In spite of all this, Heald was infatuated enough to imagine that the Indians had such a regard for him that they would not molest him if he set out. On the 13th, Captain Wells, who was a near relative of Mrs. Heald, and an adopted Indian chief, having heard of the state of things at Chicago, came over from Fort Wayne with 30 Miamis to escort Heald thither if he should be mad enough to leave. Wells failed to make any more impression on Heald than the rest had done, although he assured him it would be almost certain death to go out. On the 14th Heald destroyed the liquor, and surplus arms and ammunition, and gave everything else to the Indians, who, although angry at the waste, committed no violence before he left the fort. There were some chiefs who were friendly to the garrison, though hostile to the Americans, and they warned Heald that the Indians were enraged at his destruction of the liquor and ammunition, and would murder them

all. One, the Black Partridge, took off a medal which he had received from the United States, and returned it, saying his young men could not be restrained from shedding their blood, and he could not wear it as an enemy. He, however, was active in saving several of the party.

On the 15th, they set out from the fort, at nine o'clock, with drums beating and in military array. Wells had blacked his face, in token of expected death. They had marched about a mile and a half from the fort, when they were attacked from behind a row of sand hills. The Miamis took no part on either side, and after a bloody fight, in which 38 out of 66 soldiers were killed, as well as two women and twelve children, the remainder surrendered and were spared, though made prisoners and treated very harshly. The story of the massacre, and of the sad fortunes of the survivors, has been made familiar by the narratives of Mrs. Helm, Mrs. Kinzie, and others, and need not be enlarged upon. Mrs. Helm afterwards discovered the scalps of some of the victims, for which bounties had been paid by Colonel Proctor, and her fearless exposure of the fact led to further imprisonment and insult.

In his narrative, and in his defence, Hull claims to have had no military authority except over Michigan and the army at Detroit, and towards the Maumee. He even asserts the fall of Chicago as having added to the Malden troops before the surrender, and as having been referred to in a

letter received by him on the 6th of August. Chicago was not connected with any of his command; and the mystery remains why he ventured to assume such an authority, and why, if having authority, he could have been so utterly ignorant and reckless as to send what, if obeyed, was a death warrant. And it is still further a mystery what spy or traitor at once disclosed and circulated the news. It is said to have become known afterwards that the Indians were acting under British orders, but whether this be so or not, they certainly got their intelligence from that quarter, and it started as soon as Winimeg, who did not get his own knowledge from Hull.

On the 8th of August, Colonel Miller set out with a detachment towards the Raisin, to join Captain Brush. They rested at Monguagon that night. The next morning they had an encounter with a strong force of British and Indians, in which Miller was victorious. He was compelled, however, after waiting in vain for provisions, to return.

On the 12th or 13th, Brock arrived at Malden, with 40 regulars and 260 militia. At this time the American outpost in Sandwich had been evacuated, and the British began constructing batteries near by. On the evening of the 14th, they were discovered, and Captain Dalliba asked leave to attack them, and said: "Sir, if you will give me permission, I will clear the enemy on the opposite shore from the lower batteries." The

General answered: "Mr. Dalliba, I will make an agreement with the enemy, that if they will never fire on me, I will never fire on them," completing his answer with the aphorism, "Those who live in glass houses, must take care how they throw stones."

The Canada batteries were in the same place with those which had been erected on the 5th of July, just before Hull had arrived, which had been broken up by Captain Dalliba, under Major Whistler's orders, before Hull's arrival, from the 24-pounder battery at the lower end of the town. Whistler was then in command. On the 14th, Hull ordered McArthur and Cass to march with a considerable force to the River Raisin, by an inland trail running back from the border, by the way which has since been known as the Ypsilanti and Tecumseh trail, striking the Raisin some distance up, at Godfroy's trading post. This road had been taken by General Wayne when he first came to Detroit. Captain Brush had been directed, on the 14th, to go up and meet them. On the 15th, Brock unmasked his battery, and sent over a demand for a surrender, coupled with the stereotyped threat, that if resisted, he could not control the Indians. This demand was received by Hull about 10 o'clock in the morning. At this time a court of inquiry was sitting to examine into the surrender at Mackinaw. Upon seeing the white flag, Colonel Miller adjourned the court, and Captains Fuller and Snelling were sent to receive

the flag. Lieutenant Colonel McDonald and Captain Gleig were the bearers, and were taken blindfolded to the house of Major Henry J. Hunt, and detained for Hull's answer. The answer was not given until about 3 o'clock in the afternoon, when it was handed over. This reply was a proper one, that the general was prepared to meet Brock's force and any consequences from its use. It contained, in addition, a disclaimer of two acts in Canada, one an unauthorized flag of truce which had gone about a month before, while Cass was at the Canard, without that officer's knowledge, and the other the burning of a house when the battery in Canada was abandoned a few days before, either destroyed by accident or by others than the troops. It does not appear that any explanation had been demanded of these acts, or that complaint had been made of them recently, if at all. On the same day, Hull sent out a message to recall Cass and McArthur. They had been gone not far from twenty-four hours when the messenger started, and had been sent on urgent business. They were reached in the evening of the 15th, and the detachment hurried back by a night march, and arrived at the River Rouge the next morning, about the time of the surrender.

On receiving Hull's message, the Canadian guns opened upon the town, and the cannonade was kept up until late in the night, being vigorously responded to from the American batteries, not

without effect. The summons was understood to be the prelude to an attack, and on the afternoon of the 15th, Major (afterwards General) Jessup, who was Hull's brigade-major, inquired into the arrangement of the forces, which were all ordered to be posted in proper positions. Colonel Brush was to command the Michigan militia, at the upper end of the town, which bordered on his farm. Colonel Findlay's regiment and the Michigan Legion, (a corps of four companies of experienced soldiers, under Major Witherell, Judge of the Supreme Court, and a Revolutionary officer,) were to form back of the town, where the remainder of McArthur's and Cass's regiments were also stationed. These positions not being well-chosen, were changed before daylight the next morning, so that Findlay's regiment was moved further west, where he commanded the approaches to the town under cover of lines of high picket fences along the road; and the other Ohio troops were subsequently, or about the same time, joined to his.

The movement of the enemy towards Springwells, and the collecting of boats and moving up of British vessels, began before dark on the 15th. Captain Snelling had been sent down to the Sand Hill, with a few men and a small field-piece, to watch the crossing and report, and to return before daylight. It was urged by him, and by Major Jessup and General Taylor, that one or two 24-pounders could be placed so as to drive off

the vessels and command the crossing. A proper place was found on high ground, but Hull refused, on various pretexts, all of which were shown to be insufficient. Both Jessup and Snelling begged permission to cross and spike the guns, but vainly. No movement was made by the enemy to cross during the night, nor until 7 o'clock in the morning of the 16th. At this time the troops and guns were all well posted near the town, so as to command the approaches, and Lieutenant Anderson had a battery on the bluff directly commanding the road and ravine where the British would be obliged to cross the Savoyard on a narrow bridge. No resistance was made to their landing at Springwells, and no attempt was made to harass them on the road—about three miles long—which was lined most of the way, on one or both sides, with close pickets and orchards, which could have been made available to annoy them. There were also two or three bridges along the road, the destruction of which would have made any approach difficult. The British batteries in Canada opened in the morning, and were answered from the American batteries.

After some time two balls took effect in the fort, killing Lieutenant Hanks, Lieutenant Sibley, Dr. Reynolds, and two privates, and wounding Dr. Blood. Up to this time, the forces outside had not been allowed to do anything against the enemy, who were advancing 750 strong up the River Road. Upon the fatal result of these balls, which



appeared to bewilder and terrify him, Hull immediately sent over his son and aid (Captain A. F. Hull) with a flag of truce, to Canada, to General Brock, whom he supposed to be there. At this time, and through the morning of the 16th, (although there was some conflict as to the appearances on the 15th), there was a general agreement among the majority of the witnesses that Hull showed signs of extreme agitation and fear; that his appearance was squalid, and his face stained and filthy with tobacco juice, and his self-possession entirely destroyed.

It has been gravely urged that opinions of eye-witnesses cannot be given to show their impression of a man's state of mind, from the appearance of his countenance and his actions. General Hull has laid great stress upon this, and some others have thoughtlessly followed him, and arraigned the court martial as unfair for receiving it. Such an objection is so palpably absurd to any one who has ever paid attention to testimony, and the means of proof of human emotions and sentiments, that it is surprising it was ever started. That this testimony produced great effect was inevitable, as it was very plain and forcible, and harmonized with the surroundings. It convinced the court, as it has convinced others, and as it can hardly fail to convince any one who does not accept General Hull's theory, which seems to have been that the witnesses were perjured conspirators, and the court a forsworn body of

administration satellites, bound to make him a scapegoat for the transgressions of the President and War Department.

During this time the British, under Brock, were advancing up the road, and approaching within a mile of the fort. Hull ordered Findlay's regiment to march into the fort, where there was no room for such a crowd to do anything. Before they reached it, he hoisted a white flag, and had sent to General Brock announcing that he would surrender. And he did surrender, under the same abject terror and bewilderment, without the ordinary terms. His troops were not even allowed the honors of war, nor permitted to be discharged on parole, nor was any arrangement made for the benefit of the Canadians who had accepted his protection. He put himself entirely in the control of Brock, by offering surrender without any previous parley, and the articles as drawn and signed by the officers on both sides, were as nearly as possible the terms of an unconditional surrender. He had difficulty in getting any officers to represent him at all, and only succeeded upon the representation that it was his act and not theirs.

A supplementary article allowed the Ohio troops to go home on parole. A second supplement gave the same privilege to Major Witherell's Michigan troops. These conditions were no part of the original stipulation, nor is it explained how or why they were made. Cass and McArthur

had not come in, and might easily have escaped. The capitulation would, no doubt,—and Hull so intimates,—have been gladly accepted without them, rather than not obtained, and he says he included them for their own safety. Brock was in great dread that they would attack him in the rear, and if the fort had held out an hour or two he would have been in a very perilous condition. He states that he hastened his movements to reach the fort, and attack it, before McArthur could come up, knowing him to be near. No proof could be more conclusive that he knew Hull would capitulate: for the idea of a garrison of larger force than the assailants being unable to defend themselves for two or three hours, never could have entered the head of that gallant soldier.<sup>†</sup> He says in his report, somewhat cautiously: “Certain considerations induced me to agree to the two supplementary articles.” What these considerations were, he does not explain. General Hull himself refers to them as separate private agreements. No doubt it was for Brock’s advantage not to have to furnish rations to so large a body of men, nor could he probably have felt very safe in having a force of unparoled prisoners larger than his own army. He may also have had some compunctions for

<sup>†</sup> In a private letter to one of his brothers, General Brock says: “I crossed the river, contrary to the opinion of Colonel Proctor,—, &c.; it is, therefore, no wonder that envy should attribute to good fortune what, in justice to my own discernment, I must say proceeded from a cool calculation of the *pours* and *contres*.”—*Life*, p. 267.

General Hull, whose condemnation and punishment for such an unconditional surrender could not have been avoided. The article concerning the Ohio troops was made very shortly, and on the same day. Cass and McArthur had sent up Captain Mansfield to inquire into the terms of the surrender, with notice that they should not submit if it was unconditional. That concerning the Michigan troops must have been made later, as Major Witherell was taken down the lake as a prisoner, and only submitted to parole at Kingston. There is something curious about this, as Brock's report implies that it was made as early as the 17th. General Hull was, on his arrival at Montreal, offered his discharge on parole, by Sir George Prevost, without request, and was allowed to go home. The other officers who had been captured at Detroit, or while fighting elsewhere, were not so easily parted with. General Brock's reports are destitute of any expressions of respect towards General Hull, and the contemporary reports of the private statements of General Brock, and other British officers, indicate that they did not regard him favorably.<sup>1</sup>

The garrison and forces thus basely surrendered were enraged and confounded, as well they might be. The American force at Detroit, without counting Cass and McArthur's detachments, exceeded Brock's white army by about 400. Upon this the testimony is full. It is very well known

<sup>1</sup> 3 Niles Reg., 44.

that Indians were never of any use against a garrison in camp; and the forces of Cass and McArthur, with the rest, far exceeded Brock's whites and Indians together. When we remember the previous sieges of Detroit, under Dubuisson and Gladwin, and the subsequent events at Fort Meigs and Fort Stephenson, the course of Hull becomes so astounding that it excites our amazement to know what men can be led to do, when their judgment and courage have utterly deserted them.

On the very day when Detroit was surrendered, Fort Dearborn — evacuated the day before under Hull's orders — was burned. At the same time another Hull was actively engaged in looking after enemies on the ocean; and three days thereafter, in the *Constitution*, captured the *Guerrière* from a gallant enemy, Captain Dacres, who was not long after exchanged for Colonel Miller, one of the noblest soldiers of any of our wars.

On the 17th of August, Captain Elliott made his appearance at Brush's camp, near Godfroy's post on the Raisin, and claimed his surrender under the capitulation. The outlying troops were not included in the articles, but Hull undertook to cover them afterwards. It being the unanimous opinion of Colonel Anderson, Captains Rowland and Brush, and the remaining officers, that they were not within the surrender, they declined to accede to the demand. Captain Rowland was in favor of remaining in camp and keeping up the

post. In this he was overruled, and the troops retired. Captain Brush having been tried by court martial for an alleged violation of duty in regard to the surrender, the court unanimously decided that his course in refusing to hold it binding on his force was correct and laudable.

A court martial was ordered in January, 1813, to meet on the 25th day of February, 1813, to try General Hull. This court was dissolved without meeting. A second court convened at Albany on the 3d of January, 1814, consisting of Major General Henry Dearborn, President; Brigadier General Joseph Bloomfield, Colonels Peter Little, William N. Irvine, J. R. Fenwick, and Robert Bogardus; and Lieutenant Colonels James House, William Scott, William Stewart, Samuel S. Conner, S. B. Davis, and John W. Livingston. Martin Van Buren acted as special judge advocate, Philip S. Parker being army judge advocate.

The trial was had on the charges and specifications drawn up by Alexander J. Dallas for the first court, including charges of (1) treason, (2) cowardice, and (3) neglect of duty. He was acquitted upon the charge of treason, and convicted upon the other two charges, though acquitted on some of the particular specifications under charges 2 and 3.

The charges of cowardice on which he was convicted embraced, *first*, his retreat from Canada after his entry and proclamation, and other professions of activity; *second*, fear shown during the

cannonade and at various times; *third*, a series of delinquencies on the 16th day of August, embracing cowardly acts and expressions, skulking from danger, making no attempt to prevent the enemy's crossing, making no personal reconnoissance on their approach, and failing to offer battle, and other acts immediately connected with the surrender. These last were hastily sending out flags of truce for surrender, keeping away from the troops in a place of safety, giving fluctuating, inconsistent, and in some cases incoherent orders, calling troops from without into the fort where they were over-crowded, and the precipitate declaration of surrender before asking for terms. *Fourth*, because in his surrender he did not require that his men should receive the honors of war;—that he did not stipulate for protection to the Canadians who had joined him, and who would otherwise be liable for treason; that he did not reserve the right to report to the Secretary of War, but turned everything over to the enemy; and that the surrender was not due either to the superior force or means of the enemy, or to lack of means in his own army.

The specifications of neglect of duty on which he was convicted were, *first*, a neglect to inspect, train, review and order his men, between their arrival at Detroit and surrender. The charges of previous neglect were not sustained, because there was no opportunity on the march. *Second*, his delays in Canada; *third*, allowing his communica-

tions to be cut off, and failing to supply and support Van Horne. He was acquitted of any criminal negligence in failing to supply Colonel Miller. *Fourth*, his failure to advance upon Malden after Cass had taken the bridge on the Canard River; *fifth*, neglect to prevent the erection of the Sandwich batteries, or to fortify at Springwells, in advance of the landing, or to annoy or oppose the enemy while landing.

It has been intimated that the court made a wholesale and indiscriminate finding, and that the verdict was only qualified enough to give an appearance of deliberation. This is not a fair statement. There was testimony, which, if this had been a trial by jury, would have authorized them to consider every one of the charges and specifications from treason downwards. That, in weighing the testimony, the court regarded the treason as not proven, does not indicate that the charge was frivolous. Their conclusion was satisfactory to candid minds. If it had not been, public opinion would have criticized the remission of the penalty for the other acts. The editor of Niles' Register, after the first publication of General Hull's statements, used this language: "We have now before us the letters of this unfortunate commander. If we give all faith to everything he says, we must acquit him of treachery, though we may form opinions of his conduct *almost* as dishonorable to him."<sup>1</sup> His letters contained the

<sup>1</sup> 3 Niles R., 57.



whole substance of his subsequent defence, contradicting some things sworn to by witnesses afterwards; and this was not the verdict of an enemy. Under the charge of cowardice he was convicted of every specification but one, which was that he was guilty of "forbidding the American artillery to fire on the enemy on their march to Detroit." The evidence on this, though conflicting, was that Anderson was reserving his fire until the enemy got in grape-shot range, near the crossing of the Savoyard, and the white flag went up before they got there. The other specific charges have been mentioned above.

Under the charges of neglect of duty, he was acquitted of some very serious charges. Among those not before mentioned, and not found sustained, were neglect in sending up the vessels from Maumee, when he had reason to believe there was war, or likelihood of it; and neglect in putting the post in proper order, and in using diligence to expedite his artillery preparations. That there was carelessness in regard to the vessels can hardly be questioned, but it was not criminal carelessness of such a degree as to require severe judgment. Upon the other matters, it appears the fort was not out of repair to any serious extent, and that he had been reasonably diligent in giving orders for the artillery preparations.

Upon the other points there was really no conflict of fact, unless it may be supposed to have arisen upon the question of his state of mind.

He never seriously asserted that he had done the acts which he was charged with omitting. He claimed that some of them were not feasible, or that he had reason to fear either that they could not be done at all, or could not be done without incurring risks which he felt bound to avoid. And he also relied to some extent upon the ground that, as matters had been left to his discretion, he was not subject to censure or responsibility for following it.

If the defence of General Hull against the verdict of public opinion merely involved himself, no one would desire to dwell upon the unfortunate occurrences, beyond such reference as could not be avoided. That the surrender was unnecessary, and that Hull could not only have saved Detroit but taken Malden, no one can doubt who believes in any ordinary probabilities. Nor is there any more doubt that most commanders would have done both. No one grudges the sparing of his life, or disputes the propriety of recognizing his honorable record in the Revolution, as rendering his pardon proper. And few would care to inquire whether the loss of his earlier intrepidity was due to physical infirmity, or a charge beyond his capacity to manage, or to both. He was manifestly unfit for his military responsibilities, in the shape in which they fell upon him, and he did not design to be treacherous.

But the case which he undertook to make by his defence did not rest upon any personal dis-

ability to do what others might have done. It was not apologetic, but was rested on the ground that he had not lost his self-possession, but had acted deliberately, and done what ought to have been done by any competent and prudent commander. And it rested on the further claim that a fair court could not have found against him on any charge, and that the witnesses and court were both determined and employed to ruin him, in order to cover up their own defaults and the sins of the administration. In this point of view the inquiry concerns the truth of history, and concerns also the reputation of men without whose services Michigan would still have been a Canadian Province.

Attempts have been made by many historians to reverse the judgments of past generations, and rehabilitate those who have been under censure. Such attempts are usually, — however fairly designed, and, however plausible, — extremely sophistical, and disregard the contemporary views of single as well as combined facts. There is but one case in which they can be very serviceable. It sometimes happens that there is newly discovered evidence, which should be allowed weight. Even this, however, is not always decisive. After the lapse of many years, it may easily be conjectured that something has been overlooked which was not in fact overlooked, but was not regarded as trustworthy and conclusive. In General Hull's case we know what testimony convicted him, and we

know what testimony he claimed was not produced. We have not, as the court had, the power of seeing the demeanor of the witnesses, or of the prisoner on the trial, nor that of seeing the various persons engaged in the drama. But so far as personal qualities are concerned, the estimates and opinions of eye witnesses and acquaintances, and the substantial agreement of public sentiment, are generally safer than the conclusions of their successors possibly can be; and courts of justice as well as the court of public opinion so regard them. The reputation of many of the witnesses, and of some of the members of the court, is familiar to all readers of history, and they were personally known to very many yet surviving in this region; and both their honesty and their judgment are held in esteem.

If the court had full reason to believe, and did believe, that Hull had failed to do what every commander of ordinary firmness and capacity should have done in his position, there was no escape from this verdict. Every man who, in civil or military pursuits, undertakes an office requiring skill and firmness, is liable to all the consequences arising from his not possessing them; and is morally as well as legally blameworthy for the failure. Any fear of consequences, which it is a wrong in a military commander to be governed by, is cowardice, whether in its meanest and most selfish form or not. A man who for any reason is afraid to do his duty, cannot avoid that imputa-

tion. It is rightly regarded in military law as next to treason, because it demoralizes soldiers and breaks up the power of the government. The recent case of Bazaine is one where no one ever suspected that officer of personal poltroonery, yet where he was justly sentenced to death for his neglect of duty, in not acting with that courage and persistency which the case demanded. The remission was properly left to the pardoning power, and not assumed by the court. If Hull was guilty at all, his military offence was very great, and the terrible consequences which actually followed were what might have been expected. The country came back under the control of the British, and under the ravages of the Indians. The advantages of Wayne's and Harrison's victories were all lost for a season, and the ground was only regained after many bloody battles and cruel massacres. Hull no doubt deluded himself at the time, (or more probably afterwards deluded himself into thinking he had been led at the time) into believing these events might be spared. But he was, nevertheless, responsible for what he ought to have foreseen, and this blindness was itself, if he was not entirely right, one of the blamable results of his self-deception.

The principal charges against others on which Hull relied for vindication are in the nature of what might be termed impeaching testimony, as indicating faults, and attempts to conceal them by sinister means. In his original defence all

of those were set out which then occurred to him, or which were deemed appropriate. Nearly ten years later, when the general knowledge of facts may be supposed to have lost some of its sharpness of outline, an elaborate series of memoirs was printed, which left out nothing, but introduced some new suggestions and enlarged and dwelt more fully upon some old ones. The first great complaint was against the administration for getting him into trouble in the first instance, and afterwards trying to ruin him to save its own credit, by avoiding a trial as long as it dared, and then packing the court.

Some suggestions in the memoir as to the desire to use these means in furtherance of a Presidential election, would not have been made but for slips of memory. Indeed, while it is the commonest and most natural thing in the world for a well-meaning man charged with wrong to try to persuade himself he cannot possibly have done it, and to multiply reasons to convince himself that its very mischief is conclusive that he did not do it, such self-deception is necessarily brought about by means which are not satisfactory to the judgment of others. Hull speaks of himself as having been a prisoner during a considerable period. This was nominally so, as he was not exchanged. But there is no other instance during the war of a prisoner of his rank being so soon released and paroled, with or without solicitation ; and except as a personal favor from

the enemy, there was no personally creditable reason for it.<sup>1</sup> He was at home within a little more than three weeks after the surrender—being discharged as soon as he reached Montreal. He was within reach of the press, in a region where the administration was not popular, and had every facility for vindicating himself and punishing the administration before the Presidential election. If this was not a proper thing for him to do before trial, it was vigorously done by some one on his behalf, and the trial was certainly not postponed for the purpose of getting the case beyond the election. It would have been gross injustice to prefer his exchange to that of earlier prisoners, though he had been bravest of the brave. But

<sup>1</sup> The real reason is given in a letter from Colonel Baynes to General Brock, September 10th, 1812. Colonel Baynes was Adjutant General of Canada, and an officer of high standing, who was a confidential correspondent of General Brock.

"Sir George has also consented to allow General Hull to return upon his parole: he is loud in his complaints against the government at Washington, and the general thinks that his voice, in the general cry, may be attended with beneficial effects, and has allowed him to return and enter the lists. General Hull appears to possess less feeling and sense of shame than any man in his position could be supposed to do. He seems to be perfectly satisfied with himself, is lavish of censure upon his government, but appears to think that the most scrupulous cannot attach the slightest blame to his own immediate conduct at Detroit. The grounds upon which he rests his defence are not, I fancy, well founded, for he told us that he had not gunpowder at Detroit for the service of one day. Sir George has since shown him the return of the large supply found in the fort; it did not create a blush, but he made no reply. He professes great surprise and admiration at the zeal and military preparation that he has everywhere witnessed; that it was entirely unlooked for, and that he has no doubt that his friend, General Dearborn, will share his fate, if he has the imprudence to follow his example. Hull seems cunning and unprincipled: how much reliance is to be placed on his professions, time will show."—*P.* 289-90.

an exchange could not have been made, and a trial had, before the election, even if he had been the first to be cared for. A note from Eustis to Dearborn, which is especially relied on as indicating preparations to aid the election, was written December 18, 1812, long after the election was over.

The fact, however, that a trial was appointed for February, 1813, and then prevented and not renewed for about a year, is a circumstance which does call for explanation, and he dwells on it as showing a distrust in the pliability of the first court, which was made up of very good officers. This charge is very disingenuous. It is impossible that he could have been ignorant of the reason, and on his trial no such ground was taken or alluded to. The facts were these: On the 18th of January, 1813, official announcement was made by the Adjutant General, of the exchange of Hull, McArthur, Cass, Findlay, Miller, and the remainder of the Detroit prisoners, with Winfield Scott and others from other quarters. The court martial was at once called for February 25th, 1813. On the 8th of February, Sir George Prevost notified our government that he did not recognize the exchange, for reasons which, if true, were valid; and that, if they claimed and asserted it, and were captured again, he would hold them guilty of violating their parole.<sup>1</sup> The difficulty necessarily stopped the trial, and the matter was not settled until December, 1813,<sup>2</sup> when he was

<sup>1</sup> 4 Niles R., 44.

<sup>2</sup> 5 Niles R., 213.



finally exchanged, and a second court martial was called at once. The government was not responsible for the delay, and it is very questionable also, (though of course this would not excuse remissness,) whether the delay did not save him from some peril. There was the same opportunity and temptation to pack the first court as the second. If the first court had heard the testimony introduced on the trial, and viewed it, as they might and probably would have done, as the second court did, such a trial and conviction, coming just after the massacre of Frenchtown, would not have been free from the dangerous pressure of the general horror and indignation arising from that act, which was the sequel to the surrender; and mercy would have been very doubtful. The last trial was held when the mischief had been overcome in a great measure by the brilliant successes of Perry and Harrison, and the country restored; and people were much more disposed to be lenient.

The idea of a conspiracy among such officers as the court and witnesses, the latter of whom had no losses of reputation to make up, and had made famous names by their subsequent conduct, is too atrocious to discuss. When a prisoner convicted asks the world to presume that his reputation is to be so sacredly esteemed as to raise presumptions against the honor of a dozen men, who have been much better known and tried than he ever was, and who have acted in his case under

rules generally supposed well calculated to secure justice, he goes beyond the bounds of credulity. McArthur, and Cass, and Miller, and Van Horne, and Jessup, and Whistler, and Snelling—to say nothing of the rest,—are names that, in Michigan at least, cannot be easily smirched with suspicions of cowardice, or conspiracy or perjury.

The memoirs create an impression that General Hull had dwelt so long upon his case as, after ten years, to have persuaded himself that all of the reasons which he gives why he ought not to have expected to succeed, or to do anything more than he did, were before his mind and deliberately acted upon, and actually governed him. Some facts he has certainly forgotten, and assumed as very different from what they appeared in other testimony than his, which is at least as reliable. In regard to the numbers of Brock's troops, he resorts to a method of dealing with Colonel Snelling's testimony which is so absolutely ridiculous as to excite surprise. Snelling estimated the force of Brock at 750 regulars and militia, which is within fifteen or twenty of the official returns. On the trial, General Hull (although not admitting its accuracy) did not question the effect of this testimony, if believed, but claimed that, whatever the numbers were, it was not the force present merely, but the one which might be expected to come after it, which he had reason to fear, and which made a surrender proper in view of future dangers. In his memoirs, he gravely insists that

Snelling's language indicated that 750 was only a third of the whole force, and that the other two-thirds were regulars and uniformed troops, instead of showing that one-third of the entire force of 750 was ordinary militia, and two-thirds uniformed regulars and militia. It appears from the official reports that there were 400 militia, in command of a major and four captains, and 330 regulars, consisting of 30 Royal artillery, 250 of the 41st Regiment, and 50 of the Royal Newfoundland Regiment. Colonel Snelling counted them by platoons, and his count was therefore very accurate, and slightly in excess.

In accounting for his own numbers, Hull is equally unreliable. He represents in the 16th number of his memoirs that 1,200 Ohio militia and 300 regulars were all he ever had regularly put under his command, and that "a few straggling volunteers, from the novelty of the scene, curiosity, or a desire to see the country, followed the army and were included in the return." Out of those he intimates that several details were made along the road, and several invalids left behind, and 180 would not cross the river, making with the rest, at least 300, to be deducted from his army. To this deficiency was added an officer and 30 men left at the Raisin. The Michigan troops were summarily disposed of by representing them as drawn from a population of not much more than 4,000, scattered along over 500 miles of territory, and of no account.

The Ohio regiments of militia, amounting to 1,200 or more, were all infantry. In addition to this, there was a cavalry force, to which he makes no allusion. The whole Ohio troops, at the smallest calculation, were reckoned as not less than 1,500. At Fort Findlay, on the 26th of June, the rolls showed there were present 1,960 of regulars and volunteers. The evidence on the trial showed that there was no lack of dragoons, to go on escort duty and special service, and none of these appear to have been regulars. Two troops of cavalry were included in the surrender. The assertion that General Brock's return of 2,500 troops captured was a fiction of that officer, is not entirely satisfactory, when that General enumerates the companies and regiments taken; and their forces, so far as known, would accord with his aggregate very closely. But the statements concerning the Michigan troops are equally fallacious. Although the population was small, it was within a narrow region, and not scattered all over. The troops are shown, by clear proofs, to have been good soldiers. Colonel Anderson, who commanded the 2d Regiment on the Raisin, showed by his letters to Hull of August 4th, that he relied on his men and expected them to fight, and they never were disparaged. While insinuations are thrown out concerning Colonel Elijah Brush's Regiment at Detroit as disaffected, there is nothing to indicate they were well founded, beyond Hull's own assertions. Knaggs, whom he reports as go-

ing over to the enemy, was for many years thereafter government interpreter. Judge Witherell's troops are passed over in silence. The Legion, originally organized in 1805, under Colonel Brush, was a thoroughly reliable force. Captain (afterwards Colonel) Richard Smythe, a very gallant officer, commanded a company of horse belonging to it. Hubert La Croix was captain of another company, and did good service all through the troubles. Stephen Mack, another good officer, had a third company. Antoine Dequindre, also captain in it, received the thanks of the Michigan State Legislature many years after, in 1845, for his gallantry at Monguagon, where his men and all the Michigan volunteers under Miller were specially commended.

Justice would not be done to the Michigan troops by leaving the character of the First Regiment undefended. This regiment had been organized by Colonel Brush, and well drilled, long before Hull's arrival. Colonel Brush was a very brave man, and had got this regiment into thorough effectiveness, as Hull's own course shows,—inasmuch as he posted it on the northeast side of the town, which was exposed to the Indians. Its officers were mostly French gentlemen of character and spirit, proverbially fearless, and in no way inclined to Great Britain. General Brock's own letters, and the memoir compiled\* from them, show that the disaffection, if any, was the other way, and that the French Canadians, both in Upper and in

Lower Canada, were very lukewarm in their British sentiments, and not at all disposed to be forward against the United States. Early in July, General Brock was informed by the Adjutant General of a considerable gathering of French Canadians at Lachine, who refused to join the militia, and were only dispersed by a force from the 49th Regiment, with artillery. Brock, in his confidential letters, written while Hull was delaying his movements, expressed great discouragement at the prospect, and showed that neither the western Canadian militia nor the Canadian Indians would join the British Army in any strength. Major Chambers, who was sent to the Thames to enlist their services, utterly failed. The Detroit Regiment was made up of excellent material, and in the interval between the discovery that war existed, (made by the arrest in Canada of Mr. Moran and a companion,) until Hull's arrival, had been on the alert for an attack, and ready for it.

The charges against the administration as entirely responsible for his failure, would not exonerate him, even if true as made. They amount substantially to these: That war was declared without providing for commanding the lakes by a naval force, which Hull had represented to be absolutely necessary; and that notice was delayed so that the British got the earliest news; that Mackinaw fell, and the Indians were set loose on the lower country by reason thereof; that the Province of Upper Canada was more populous

than Michigan, and had a force of 4,000 or 5,000 militia, besides the regulars; that Dearborn, in August, made an armistice, whereby Brock and his army were enabled to turn their whole attention to Detroit; that the Indians were all in the British interest, and he was compelled to surrender to avoid the terrible evils to be expected from all these forces, especially Indian massacres; and that the administration found it necessary to ruin him to save its own credit.

It would seem to people generally to be a sufficient answer to all this, to say that, whatever may have been the blame belonging to others, while it might relieve him from fault for not doing what it prevented, it could be no excuse for failing to do what he could. Whether it might or not have been possible for Brock to have brought an overwhelming force, large enough to have annihilated Hull, yet, as matter of fact, there was no occasion where Hull's force was not superior, and none where his men were not willing and anxious to try conclusions with the enemy. No superior flesh and blood hosts prevented his capture of Malden, or his resistance to Brock at Detroit. His early experiences should have restrained him from such pretexts. The same reasoning which made it his duty to give up before the spectre of those imaginary forces, would have made it utter madness, and a sin against humanity, for the patriots of the Revolution to enter that contest. On such a theory wars should be disposed of by footing up the census.

We are not concerned, in this generation, with covering up any faults of Madison's administration. It had its share of failures and was often open to criticism, but the President, who is claimed to be the chief offender, has not been thought by the people, whose sober second-thought is usually just, to have forfeited the right to be respected for his patriotism and general fairness. The war of 1812 was one which no administration could have resisted without popular contempt; and those who attempted to prevent its successful conduct never got rid of the stigma which attached to lack of patriotism. To the northwest it was a necessity, and it has been called, with almost literal truth, the Second War of Independence.

It was undoubtedly one of General Hull's weaknesses, (and a very dangerous one), that he believed it impossible that his views and suggestions as to the proper way of conducting the expected war should not be accepted and adhered to. His own witness, General Peter B. Porter, a very good officer, who went twice with Hull to visit the President on the subject of a navy, says that "at first it was agreed to have one; but afterwards it was agreed to abandon it, doubtless as inexpedient;" and he also states that while General Hull proposed 3,000 men, "the Secretary replied that there would not be so many; perhaps 2,000." It certainly would be a remarkable thing for an administration to allow itself to be governed by the discretion of a brigadier general



concerning the conduct of a war, and there is no proof that it did so. The notion rests on the assumption of the General that he had a right to expect it, and that his subsequent renewal of his programme should have bound the Secretary to follow it.

The same lack of judgment appears in his assurance to himself, that the war could not be declared before the 1st of July;—as if even the pledge of the President could have retarded the action of Congress. All this, however, is of small account, for he never, after his arrival at Detroit, expected a navy. The occurrences on the Niagara frontier were, however, important for his protection. But it is not clear why he was not also bound to keep up his own end of the line, for the help of the army at Niagara; and if he had done his duty, the results there might have been more satisfactory. Dearborn's armistice would very possibly have provided for a cessation of hostilities at Detroit as well as at Niagara, if it had been supposed Detroit required it. To all appearance, a check on the movements of the Detroit army, if commanded as it should have been, would not have been in the interest of the United States. But, be this as it may, the act of Dearborn was disapproved, and neither Hull nor Brock heard of the armistice till after the surrender.<sup>1</sup> Brock's

<sup>1</sup> "While on his voyage across Lake Erie, in the schooner Chippewa, he was met, on the 23rd of August, by the provincial schooner, Lady Prevost, of 14 guns, the commander of which, after saluting the General

movement westward was caused by anxiety, and not by any relief on the New York side. He brought no such additional force as would have interfered with Hull's safety, and he is known to have brought all the men he could spare. His memoirs show that the condition of the Niagara frontier made him very uneasy, and that he dared not lessen its defences.

The militia force of Upper Canada was discovered at once to furnish no basis for any such fears as are made to appear so natural in the retrospect. The possible thousands were not men under arms, but men liable to be called out. The numbers actually armed and enrolled were not great, and, while probably about as good material as the militia forces of the United States, could not be any better. Brock's first orders at Malden, on the 14th of August, complained bitterly of the number of desertions. Hull's force of regulars was larger than Brock's, and his volunteers at least two or three times greater than the force of Canadian militia near Detroit, and some of these were not novices. McArthur's raid into the Thames country had completely demolished any theory that the country away from the garrisons was dangerous. The abortive expedition of Chambers was quite as significant.

with seventeen guns, came on board and gave him the first intelligence of the armistice which Sir George Prevost had unfortunately concluded with the American General, Dearborn. Major General Brock could not conceal his deep regret and mortification at the intelligence which he found would prevent his contemplated attack on Sacketts Harbor."—*Brock's Life*, p. 274.

The fact that the news of war arrived at Malden several days before Hull's army reached the Detroit River, gave the commander of that place an opportunity of taking Detroit by surprise. As in spite of his larger garrison and Indian allies, and his auxiliary naval force, he did not venture on such a measure, the inference is plain that he had not much confidence in his own position; and so it appeared to all but Hull himself.

The effect produced on the mind, in reading the vindication which the memoirs set forth, is such as to relieve Hull from any suspicion of disloyalty, and to excite a certain degree of sympathy for him, as one of those failures which result from being placed in a false position, for which he was utterly unsuited, and where his associates knew his unfitness and could not tolerate it. In a quiet community, where no perilous surroundings disturb the general security, such a reputable old citizen, of genial disposition and on good terms with himself, would naturally receive very flattering treatment, and have his faith in himself considerably magnified. Such exaggerations and suspicions as are found in his whole conduct are so general among the class of characters to which he evidently belonged, as usually to receive a great deal of toleration. Few persons are so popular at home as the kind-hearted social magnates, who sincerely desire to make all around them happy, and who, from the universal liking and deference which they receive, become in time im-

pressed with the idea, more or less clearly defined to their consciousness, that their judgment is infallible. No persons are slower to discover their own deficiencies, or to attribute their failures to the true cause, and few are less able to bear opposition or slights.

The stern realities of border war will not justify deference to any foibles which endanger the country; and the necessities of justice demand that every one shall be held to a strict responsibility, when he assumes a place where the safety of the community depends on his firmness and wisdom. The weakness which imperils such large interests, although it may belong to a well meaning and very amiable man, is, nevertheless, a moral wrong as well as a legal crime. It may not injure the transgressor in the eyes of those who have known his merits, and have not suffered from his faults. But it would be very dangerous to society if the true character of such derelictions of duty should be so far glossed over, as to enroll convicted offenders among the noble army of martyrs, or to give them approval when it is magnanimous to pardon them.

The British Army assumed control of the fort and Territory, and the people came under the dominion of martial law. Under such a commander as General Brock, it would have been as tolerable as such a rule can usually be made. Under Proctor it was not so tolerable.

## CHAPTER XII.

### BRITISH POSSESSION AND AMERICAN RE-CONQUEST OF MICHIGAN.

· IMMEDIATELY after the surrender, the paroled troops returned home, and the prisoners were taken down the lake. At the request of his associates, Colonels McArthur and Findlay, and Lieutenant Colonel Miller, Colonel Cass made a report to the government of the whole history of Hull's career as commander. This was assailed by a portion of the press with great malignity, and it was even charged to have emanated from Mr. Rush, as an administration defence. As history has thoroughly disposed of these calumnies, and the document has been abundantly verified and approved, it may be passed without remark. The sentiments of Ohio and Pennsylvania, concerning their sons engaged in the transactions about Detroit, were evinced by their votes of thanks to the volunteer and regular forces and their officers. Miller, and others of his regiment, were brevetted for their good conduct at Monguagon, and on other occasions named, where they had distinguished themselves. Cass and McArthur continued after their exchange in active ser-

vice, and were advanced in rank by the popular and State action, as well as by the United States. Both earned a solid reputation as soldiers and as civil officers, and few men have done more for the advancement of the northwest.

General Brock, before he departed, issued a proclamation, dated on the day of the surrender, in which he declared that the Territory of Michigan had been ceded to the arms of His Britannic Majesty, "*without any other condition than the protection of private property.*" He therefore declares that, "wishing to give an early proof of the moderation and justice of the government," he announces that the laws in force shall continue until the King's pleasure shall be known, so long as the peace and safety of the Territory will admit; and that all the inhabitants shall be fully protected in their religion. He required all public property, and all arms, public or private, to be delivered up.<sup>1</sup>

The reference to the alleged sole condition is remarkable. The copy of the capitulation, appended to Hull's trial, contains the following article: "Article 3d. Private property, and private persons of every description, will be respected." From the charges and specifications against him, this must have been assumed as correct. There are several verbal differences between this copy and the one published in Niles' Register, which appears to be more correct in names and various

<sup>1</sup> 3 Niles, 25.

other minutiae, as well as in grammar, but which does not contain this article at all. It appeared on the trial that Brock erased some words from the articles as drafted, but it did not clearly appear what they were. Brock's proclamation recognizes private property (except arms, which were not excepted in the article as contained in the appendix,) but does not recognize any stipulation as to persons. This afterwards became material, and persons were not respected. It is not impossible that the copies interchanged may have differed. If so, it is not possible to tell which was correct, as both must have been signed. Brock would hardly have resorted to a misrepresentation of fact. The omission, if made, was one which was of great importance, and the fate of several subsequent complaints shows that Proctor acted as if no such stipulation existed, although it was asserted and relied on.

Proctor was left in command. While Brock, and most of the officers under him, appear to have conducted themselves without creating any strong personal dislike against them, Proctor has left in Detroit a reputation for brutality and tyranny that has seldom been equalled. Wherever our people came in contact with him, at Detroit, Frenchtown, Malden or Ohio, their report was uniform. As a natural accompaniment to cruelty of disposition, he, although by no means wanting in activity, was regarded as lacking in the higher attributes of a brave commander. He was prob-

ably not an absolute coward, for he was often exposed to personal danger, but he had no cool and dogged bravery, and more than once drew himself away from opposing forces, where it would have been much more honorable to prolong resistance. His reputation is not much revered in Canada.

On the 21st of August, he issued a proclamation to organize the civil government. He ordained that the courts and civil officers should continue in their functions, and that in the Legislative Board a majority should not be required if offices were vacant, and that laws need not be adopted from the American States. The United States duties and taxes were to be paid to the military treasurer, for general expenses, and local revenues to be expended as before, for local purposes. The land officers and Indian department were superseded. He assumed the office of civil governor, and Judge Woodward was made Secretary.

This scheme was a just and proper one, but it was very imperfectly carried out. The public records were in part removed, and some of them disappeared. The worst act of spoliation related to land titles. The land claims confirmed by the commissioners, under the various statutes, for the benefit of occupants, or heirs or grantees of occupants, holding in 1796, were not finally ratified by Congress until April 23, 1812, when it was enacted that patents should issue for all confirma-



tions. These patents reached the Detroit Land Office just before or during the war, and were lying there awaiting delivery at the time of the surrender. They were all seized or destroyed, although the other office records and files were not seriously injured.

From a letter written by Brock to Proctor, it would seem that seizures of private property had been made for purposes of extortion. "I understand that salvage has been demanded from individuals on several accounts; for property recovered or restored, for patents, etc. I lament that such a course has been adopted, for it was my intention, and it is now my wish, that our conduct in these matters should be governed by the broadest principles of liberality. You will, therefore, be pleased to have returned to the several individuals the amount which each may have paid as salvage on any account." \* \* (Life, p. 295.)

The Indians began at once to pillage property and to do mischief, and some of the captured officers and men were insulted at Malden. On the day of the surrender, Secretary Atwater's house was robbed of a large amount of personal property, and many outrages were committed in the country round. Colonel McKee, the British Indian agent, interfered in some cases to prevent such outrages, and no doubt did what he could. But no effective measures were had, and the savages made great havoc. Their old friendship for the French settlers in some instances

protected them from outrage, but before long insidious attempts were made to bring them over to British allegiance, and the suggestion of Indian hostility was used to persuade them. Proctor, in plain violation of the capitulation, resorted to such efforts so often and so shamelessly as to excite the plain-spoken indignation of Judge Woodward, who left the Territory a few months after, to lay his misconduct, in this and in other matters, before the government and the public. General Harrison, after the Battle of the Thames, received a letter from Proctor asking protection to private property of inhabitants in Canada, sent under circumstances so peculiar as to induce him to regard the bearer as a spy. Nevertheless, he offered him no indignity, but refused to notice Proctor, and addressed his reply to General Vincent, his superior, to whom he gave an indignant account of that officer's infamous outrages, which Vincent, whom he respected, made no attempt to excuse or palliate.

Early in the fall of 1812, Walk-in-the-Water and Roundhead, two principal chiefs of the Wyandots, wrote a letter to the French people on the Raisin, addressed to Colonel Navarre, calling upon them to rise and help their Indian friends, and threatening, if they failed, to renounce their friendship and subject them to the treatment of enemies.<sup>1</sup> The letter was short and pithy, but evidently not of Indian originating, though signed by

<sup>1</sup> State Papers, 1 Ind. Aff., 371.

those chiefs, who would have been much more likely to visit the Raisin themselves, if they desired to confer with their old acquaintances. The letter was at once sent up to Judge Woodward, and was one of the illustrations which he afterwards gave of the dishonorable methods which Proctor resorted to, in order to intimidate the settlers. The threat was not an idle one, and the consequences of it were the occasion for Winchester's expedition of a few weeks later.

The immediate result of Hull's surrender was a general uprising all over the west. Kentucky and Ohio were especially active, and General Harrison was by common consent put at the head of all the forces, receiving a special commission from Kentucky. These troops were volunteers, not called out originally by the United States, but brought into the field by the enthusiasm of the occasion. Harrison was also commissioned for the same purpose by the United States. The Indians were very soon scattered from the Wabash, and driven northward. A campaign was planned for the recovery of Michigan and the capture of Malden, which was delayed by some untoward events, and for a time prevented by General Winchester, who, without orders, undertook to advance to the Raisin, and there met with a terrible catastrophe.

The American prisoners from Detroit were sent over from Quebec for exchange, in October. At that time, it is stated, that five of the eight

brass cannon captured at the surrender were lying at the chateau. Among the brass pieces in the fort were two captured by Stark at Bennington, and one taken from Burgoyne at Saratoga, as well as some surrendered at Yorktown. The British officers are said to have been greatly pleased at regaining possession of Burgoyne's trophy, which was a little three-pounder, used for salutes. It was afterwards recaptured by Harrison at the Battle of the Thames, with two others from Yorktown, and is now at Frankfort, Kentucky, bearing inscriptions indicating its history and adventures.

General Brock was created a Knight of the Bath, for his capture of Detroit. His career was not prolonged. He was killed on the 12th of October, at the Battle of Queenstown, and the American Army, as well as the British, paid him military honors at his funeral.

On the 8th day of October, 1812, the Detroit, (formerly the American brig Adams,) an armed vessel of 18 guns, and the Caledonia, a smaller armed vessel, arrived at Fort Erie, opposite Buffalo, with a number of prisoners, and with large supplies of stores and munitions. The Caledonia had a cargo of furs, estimated at from \$150,000 to \$200,000. A portion of General Hull's family had come part of the way down the lake in the Detroit, and his and their baggage was on board. Lieutenant (afterwards Commodore) Jesse D. Elliott, with a force of volunteers from the army

and the citizens of Buffalo, boarded and captured them that night. The *Caledonia* was run across to Black Rock and beached. The *Detroit* grounded on Squaw Island, and after a series of sharp encounters, she was finally burned.

In the winter of 1812-13, the cold weather set in with severity, and it was at one time contemplated to take advantage of it, by crossing on the ice, to attack Malden. But the mistakes and lack of judgment of some of Harrison's subordinates prevented any early action, and it was finally checked by the course of General Winchester.

The latter had under his command a fine body, chiefly of Kentucky troops, made up of the foremost young men in the State, of great intelligence and undaunted bravery. They had gone into the service with the generous desire to wipe out the disgrace of Hull's surrender, and put an end to the frightful barbarities of the Indians, who had been encouraged by it to renew their old atrocities. It would be almost invidious to mention single names, where the whole muster-roll was a list of heroes. When the new Capitol of the State shall furnish a proper place for preserving and perpetuating in public reverence the names of our benefactors, we shall fail in our duty if the soldiers of Frenchtown, and the gallant men who avenged them, are not made familiar as household words to the whole people of Michigan.

News arrived at the Maumee that the inhabitants along the River Raisin were suffering severely from the depredations of the Indians, and that preparations were making to destroy the settlement in a few days. The impulses of humanity stirred up the whole army in their behalf, and on the 17th of January, 1813, General Winchester ordered Colonel William Lewis to proceed to the Raisin and protect the inhabitants. He reached the river, at the present city of Monroe, at three o'clock in the afternoon of the 18th, with a force of between 600 and 700. They found a body of the enemy, composed of British and Indians, posted in the village on the left bank of the stream, who opened fire on the Americans with a howitzer, as they approached the river; but no one was hurt by it. The line of battle was at once formed, Lieutenant Colonel Allen commanding the right wing, Major Graves the left, and Major Madison the centre. The whole army crossed at once on the ice, and Graves and Madison, in spite of the obstructions of the heavy pickets and fences, soon drove the enemy from the village. A considerable force, with the howitzer, encountered Colonel Allen on the right, where the battle was very hot; but by degrees the British and Indians were driven back, fighting obstinately, until at nightfall they had been followed about two miles into the heavy timber, where the darkness put an end to the conflict, and Lewis occupied the village. The number of

casualties on the American side was 12 killed and 55 wounded. The loss of the enemy was not published, and, so far as the Indians were concerned, was not known, as they dragged away their dead. The battle was an obstinate one.

News of this battle was sent to Winchester, who at once started in person, with about 250 men, and reached the Raisin on the 20th, where his force, combined with Lewis's, made over 900 men fit for duty. They were all in good spirits, and ready to meet any emergency. It was largely owing to the fault of General Winchester that they suffered any defeat. His personal gallantry and patriotism led every one to look upon his mistakes with leniency, and few officers have been more generously dealt with.

General Winchester, like Hull, was an old Revolutionary officer. He never held rank beyond that of a subaltern, but his personal conduct had been brave and devoted, and his large means were unselfishly used for patriotic purposes. After the Revolution, he settled in Tennessee, where he remained in voluntary retirement, declining public office. When the troops were enlisted in that part of the country, he was appointed brigadier general, and at one time, by some strange mistake, he was supposed to have superseded Harrison. He had no faculty for managing an army, and the troops, when he was in command in Ohio, became mutinous, and were only pacified by the vigorous efforts of

Scott and Harrison, in whom they placed, as well they might, implicit confidence. Winchester's only strength was in his sincere courage and devotion; and for these he was well esteemed. He was not severely censured for his errors, because they were those of a brave and good, though not wise, soldier.

The settlement near the mouth of the Raisin, where Winchester had his camp, was close by the Indian country, and only eighteen miles from Malden, which at this time was accessible by land, and by a crossing on heavy ice, which was much more convenient than any land road. The Wyandot villages at Brownstown and Monguagon were the headquarters of Walk-in-the-Water and Roundhead, as well as of other noted chiefs, and nearly all the Indian bands which had been driven northward were at Malden or in southern Michigan. The white force that had been met by Colonel Lewis was from Malden, and the Indians were probably those of the neighborhood. Savages prowled near the camp during the entire interval between the arrival of Lewis and the last battle.

Under these circumstances, prudence required the utmost vigilance. Here Winchester failed. He had no personal experience of Indian warfare, and had no idea of the small effect of a defeat in preventing them from making preparations for further mischief. He took no efficient means for fortifying his encampment; and while the ori-



ginal command of Lewis were in quarters which they could have defended, and did defend, the reinforcements brought up by Winchester himself were in an open camp. The General did not remain in the vicinity of his men, but was quartered in the house of Colonel Navarre, a prominent French citizen, on the other side of the river, and more than half a mile from the army.

On the 21st, Winchester was informed that the British and Indians would be down upon him that night, or in the morning; but he was induced to believe the alarm groundless, and, in spite of warnings, disregarded it. Colonel Wells, who commanded the regulars, endeavored in vain to spur him up to diligence. He neglected to call a council, or to use any means against surprise. No scouts were kept out, and he omitted, in spite of urgent representations, to distribute ammunition, so that many of the troops had a short supply. Colonel Wells became so uneasy that he left his own men in command of his subordinate, Major McClanahan, and hurried to the Maumee to obtain reinforcements, but although led on at once, they came too late to save the day, and turned back when they learned of the surrender.

Before day-break on the 22d the British attacked the camp with a heavy fire of shells and canister, and made a desperate assault with regulars and Indians. Lewis's force being protected by heavy picket fences, which were a very good defence against muskets and light missiles, were

enabled to hold their own. The regulars outside were uncovered, and exposed to the full fury of the assault. Winchester and Lewis, with 100 men out of his force within the enclosures, joined them, and for a considerable time held the enemy at bay; but the large body of Indians succeeded in turning their right flank, and they were compelled to cross the river, where, though fighting desperately in smaller bodies, they could make no united defence. The greatest portion of them were killed and scalped. No quarter was given to the Americans in this part of the field. Winchester and Lewis, with a few others, were finally induced to surrender to Roundhead, who stripped them and took them to Proctor, who commanded in person. Colonel Allen was killed. He was a man of ability and his loss was deeply felt.

The left and centre, under Graves and Madison, maintained their position, and the small artillery made little impression on them. Their riflemen picked off the British gunners whenever they showed themselves, and Proctor and his white forces had withdrawn beyond range, so that the besieged soldiers had time to eat their breakfast. At this time Winchester was taken to headquarters, and impressed by the barbarities he had witnessed and suffered, and by the suggestions of Proctor that the allies could not be restrained, and miscalculating the condition of the troops under Graves and Madison, he consented to a surrender on condition—as he reported—that the

prisoners should be protected, private property secured, and the side-arms of the officers restored to them at Malden. Unfortunately, this was not reduced to writing—probably because not convenient, and no one in that army was then acquainted with Proctor. A white flag was sent to the camp, accompanied by Proctor in person, and by Major Overton, one of Winchester's staff. Graves and Madison hesitated about submitting, knowing the habits of the Indians, and refused to do it without full assurance of safety. Proctor pledged himself to respect the conditions, and to send sleds for the wounded to take them to Malden next morning, and to have them all safely guarded in the meantime. On these assurances they surrendered. Some of the Indians immediately began to be insolent, and Proctor, on being appealed to by Major Madison, intimated it was beyond his power to restrain them. Madison at once ordered his men to protect themselves with their guns, and thereupon the savages were called off and did them no more mischief. The unwounded troops were at once marched off towards Malden.

Proctor afterwards reported that the surrender was unconditional. Upon this he is flatly contradicted by Winchester, and the promise to Madison to the same effect cannot be gainsaid. Those officers were men of unsullied honor, and no one can doubt their correctness. The assurances of Proctor were heard and verified by many others, and testified to by Colonel Lewis and twenty-one

other officers,<sup>1</sup> immediately after their return in March, as well as by some who were longer detained, and by civilians at Frenchtown. The resolutions passed by a meeting of returned officers, held at Erie on the 18th of February, 1813,<sup>2</sup> not only aver distinctly all the conditions, but other further promises made by Proctor and Elliott for the safety of the wounded, and how all of them were disregarded. Private property of officers and soldiers was allowed to be plundered, and the officers' side-arms were never restored. Some of the worst atrocities to individuals were not publicly known until shortly after, though most of the bloody deeds which have made the River Raisin terribly famous occurred at once.

The victory was dearly bought. Proctor had 182 killed and wounded among his white forces, or more than one-third of their whole number. Of the American troops, not more than 30 or 40 escaped, 537 prisoners were accounted for as first estimated, and this number was increased by 40 or 50 afterwards ransomed from the Indians. The number of killed and missing was 397, a large number of whom were not slain in action but murdered afterwards, and a few subsequently came in and were ransomed. The loss of the Indians is not known, but it must have been very large. The men fought desperately, and were only overcome by numbers.

<sup>1</sup> 4 Niles R., 83.

<sup>2</sup> 4 Niles R., 13.

Proctor started at once for Malden. When it was discovered that he was leaving no guard behind to protect the wounded, of whom there were very many, he was remonstrated with, and some of those who were able to travel desired to accompany the forces, but they were persuaded that they would be safe, and that the next morning they should all be taken safely to Malden on sleds. The Indians retired to Stony Creek, a few miles off, and it was represented that the interpreters who were left behind had full control over the savages. Personal pledges were given to some of the officers, and one, Captain Hart, (a very highly esteemed officer, and brother-in-law of Henry Clay,) who had met an old acquaintance and friend in Captain Elliott, who had been entertained in his own house, received from him positive assurances of safety and care.

These pledges were not fulfilled, but it is not certain that Elliott was responsible. The kind-hearted inhabitants had tenderly cared for the wounded in their own homes. The next morning about 200 drunken savages, who had been indulged by their white leaders with the means of a debauch at Stony Creek, came into the devoted village, and in council determined to kill and scalp all the wounded who could not travel. After plundering the village, they broke in among the wounded, and stripped and tomahawked them. More than 60 were burned up in the houses where they were confined, those who tried to es-

cape from the fire being driven back and slain. The streets were strewn with the mangled bodies. Those who could walk were started off for Malden, and a few were, for large sums, allowed to ride. Most of these were killed on the road, and the number taken to Malden was very small. Captain Hart, Captain Virgin McCracken of Colonel Allen's regiment, Winchester's secretary Captain Woolfolk, and Ensign Wells, were slaughtered on the road. The bodies of Woolfolk and Hart were privately rescued, and concealed for burial, by some French citizens. Many prisoners were carried to the Indian villages on the Huron and Rouge, and to Detroit. Many were murdered and some were ransomed. Major Graves was seen on the Rouge a few days after the massacre, but his subsequent fate was never known. He was beyond doubt put to death. No imagination can exaggerate the dreadful scenes of those horrid crimes. The brutal tyrant who controlled this region would not even interfere to allow the burial of the dead; and the bodies of the murdered soldiers were left to be devoured by unclean beasts. The French inhabitants, whose testimony was given on oath concerning these transactions, described the efforts which were made to save some of the bodies from this pollution, and the details of the ravages of the dogs and swine are too dreadful for description.

Dr. McKeehan, who was sent up with a flag of truce to help attend the wounded at Malden,

was treated shamefully by Proctor. After being charged with coming for improper purposes, and resenting it, as he had reason, he was for a time employed as aid to the other surgeons; but on the 2d of March he was arrested, under pretext of carrying on a private correspondence, and in a few days sent down, with Israel Ruland of Detroit, to Montreal, being treated ignominiously on the way, and on his arrival there shut up in a filthy subterranean dungeon for more than a month. No charges were ever made or alleged against him, and no explanation was ever given or guessed at, unless that he had not taken in silence the insulting abuse of Proctor. That officer was now promoted to be a brigadier general for his victory at the Raisin, where, according to the general orders announcing his promotion, his gallantry "was most nobly displayed, in his humane and unwearied exertions, which succeeded in rescuing the vanquished from the revenge of the Indian warriors." Surely this was penned without knowledge of the cruel sarcasm which was conveyed in it. Whatever grounds for complaint existed against others, no one was found anywhere who competed with Proctor in barbarity. In this he had neither peer nor rival.

The massacre of the Raisin seemed to arouse and quicken all his malignant passions. The Indians who had carried off many prisoners to their own villages, began to bring them in for ransom. Ensign Baker, of the 2d U. S. Infantry

was captured on the field of battle, with about 20 others, and on that same day taken a few miles from the Raisin, where they were left through the next day, while most of the Indians returned to the village for the massacre. Their captors on returning, brought thirty prisoners, and a number of fresh scalps. These prisoners informed Baker of what had occurred, and their story agreed with what has been obtained from many other sources; for the testimony is uniform. Four prisoners were wantonly slain just after they were brought in. Mr. Baker was employed at Malden by General Winchester in prosecuting inquiries concerning the outrages, and his report, though not complete, contains some details and testimony of importance. On the 25th of February, the testimony showed, there were at least 30 or 40 still alive and in captivity in the woods. He traced Major Graves as on the River Rouge, on the 25th or 26th of January, but heard no more of him. Robert Abbott, (afterwards Auditor General of Michigan,) stated that on or about the 28th of January an Indian woman came to his dwelling on the Rouge, and told him an American prisoner was that morning killed in the Indian camp, because he had expressed hatred for the Indians. But whether this was Major Graves or not no one knows. At the date of Baker's statement, the mutilated fragments of the dead still remained scattered over the ground, and the British officers said the Indians would not suffer them to be



buried. But there can be no question of the power of Proctor to have secured it if he chose.

Baker was taken to Detroit on the 29th of January, and on that day was purchased from the Indians. The next day he was sent down to Malden, and on the 15th of February was forwarded to Fort Niagara by General Proctor. He gives some interesting statements concerning the treatment and ransom of prisoners, and mentions the names of several persons in Detroit, and in Canada, who had earned their gratitude. Thirty-three prisoners besides himself were ransomed at Detroit, seven by Colonel Elliott of Malden, and one by Colonel Francis Baby, (the gentleman whose house was Hull's headquarters when in Canada). He speaks with grateful warmth of Major Muir, the commander at Detroit; Colonels Baby and Elliott, and Captains Aikins, Curtish and Barrow, among the British officers, as also of Reverend Richard Pollard, the Church of England clergyman at Sandwich, whose memory is still held in respect at Detroit, and commemorated by a memorial window in St. Paul's Church. The friends whom he found among the Americans at Detroit were numerous. Foremost among them all he dwells upon Judge Woodward, and his well-deserved eulogy should not be forgotten: "The exertions of these worthy people were directed, and point given to them, by our ever to be venerated countryman, *Augustus B. Woodward*, who with unwearied zeal exerted himself in our

behalf at Detroit: he was the life and soul of the remaining Americans, the man to whom they all looked up for success in the hour of difficulty; for advice on every occasion. This, added to the influence he at first had with some of the British officers, enabled him to do wonders for us. This gentleman, whose exalted understanding entitles him to the first consideration for talents, appears to have no wish separate from the interests of his country; though eminently qualified to enjoy society, he gives up all its sweets to shield the unfortunate of his country from savage cruelty and British oppression." A man who made such a record, at such a time, is one of the nobles of the earth. If the history of his time requires his foibles and his oddities to be recorded, let it also be recorded that before such qualities as he showed during those scenes of trial, his weaknesses, though magnified an hundredfold, were of very small account.

Among the names of those most prominent in these benevolent efforts, he mentions Colonel Elijah Brush, Major Henry J. Hunt, Richard Jones, Judge James May, Major Stephen Mack, Colonel Gabriel Godfroy, Robert Smart, Doctor William Brown, Oliver W. Miller, John McDonell, Peter Audrain, Duncan Reid, and Mr. Macomb. Of ladies who ransomed Kentuckians, he mentions Mesdemoiselles Lasselle, Labadie, Scott, Hays, and others not specified.

Of these sterling patriots, Colonel Brush was a son-in-law of John Askin, and Major Hunt of Angus Mackintosh, prominent gentlemen of Canada, but neither ever swerved from his duty. Judge May was one of the oldest citizens of Detroit, having lived there since 1778, and performed many public functions; Major Mack was an officer of the Legion; Mr. Audrain was Clerk, Register, Judge of Probate, and everything else which required clerkly skill and strict integrity; John McDonell was in after years prominent in Territorial and State affairs, and an excellent citizen; Colonel Godfroy was an Indian trader of great influence, and the others were business men of note. Robert Smart and Doctor Brown, lived to a great old age, bachelors and inseparable friends, quiet in their ways and full of the milk of human kindness, and in death they were not divided. They lie side by side in Elmwood, and the broad slabs that contain their quaint epitaphs cover two honest men, well worthy to be held in remembrance. The rest were not left without relatives still living among us, and have also an honorable reputation.

Most of these gentlemen, and one, at least, of the ladies, incurred Proctor's malignant hatred for these works of mercy. He at once prohibited any further ransom of prisoners; the result of which was that so many as remained among the Indians forever disappeared, and the manner of their disappearance can easily be divined. If Major

Graves was not the prisoner whose death was announced to Mr. Abbott, he must have perished speedily, as he was not seen further, and the River Rouge was well settled, and constantly visited.

On the 2nd of February, Judge Woodward, whose position as Territorial Secretary under Proctor's own appointment, gave him better means of knowledge than any one else, and who, as we have already seen, had been the resort for advice and help of the people of the whole region, presented to General Proctor a very plain and direct letter, which put that officer to some uneasiness. The following is the principal substance of it:

"It is well known to you, sir, that the capitulation of the 16th of August, 1812, has suffered many infractions in every quarter of the Territory, by the savages in the employ of the British Government. The inhabitants have borne them with unexampled patience. They have entertained a constant apprehension that when the American forces approach the Territory, and when an engagement has taken place, the fury of the savage mind at the sight of blood, and in reflecting on the dead they lose, and perhaps on the retaliatory treatment of prisoners or of the dead, which their cruel mode of warfare produced, is always likely to drive them to an ignoble revenge on the prisoners they find in the country, and the inhabitants of it who are American citizens. They, therefore, pressed the subject on your attention previous to

the battle of the 22d January, 1813, and felt satisfied with your assurance, that you considered your own honor pledged for their effectual protection. Since the result of that battle, facts are before their faces which they cannot shut their eyes upon. Some of them are, perhaps, unknown to yourself. I will enumerate some which I believe there will be no difficulty in establishing beyond the reach of contradiction :

*"First.* Some of the prisoners, after the capitulation of the 22d January, 1813, have been tomahawked by the savages.

*"Second.* Some of the prisoners, after that capitulation, have been shot by the savages.

*"Third.* Some of the prisoners, after that capitulation, have been burnt by the savages."

The 4th, 5th and 6th charges include shooting and pillaging the inhabitants, and burning their houses. The Judge urges that General Proctor enter into some convention with the citizens, to rectify the evils. General Proctor having, in writing, through his aid-de-camp, asked for proofs, they were furnished abundantly, and have been preserved and published by the United States Government. But he also sent a verbal message through Major Muir, which Judge Woodward regarded as dishonorable, and which led him to ask his passport. In this message Proctor asserted "that there was no capitulation on the 22d January, and that the prisoners surrendered at dis-

cretion." As Judge Woodward had not the means of proof on this subject, he assumed Proctor would not falsify it. But in this he did him more than justice. The part of the message which he represented, was Muir's suggestion that the French citizens should take the oath of allegiance to the King. Upon the character of such a suggestion, to persons remaining under a capitulation protecting them and their property, he used very strong language. He immediately departed for Washington, and not only informed the government of what had passed, but at the request of a committee in Albany, published his correspondence, and some of the testimony, for general information.

Proctor, relieved from the presence of a man whom he both respected and feared, gave full scope to his malice. He ordered all the inhabitants of Frenchtown to Detroit. Israel Ruland and Doctor William McDowell Scott were arrested and sent below, where they were long held in close imprisonment on the pretext of being British subjects adhering to the Americans. Scott was most harshly treated, as a man of much independence and influence. He had been in the Territory since 1800, and had occupied a judicial position under the Territory of Indiana, and was Marshal of Michigan. He was an Irishman by birth, and a very pleasant and cultivated gentleman. His descendants are still in Detroit. Mr. Kinzie of Chicago had been previously subjected

to infamous cruelty on some similar pretext, and Mrs. Helm, after three months' imprisonment among the Indians, was shut up another three months in a British prison to gratify his spite.

But he had determined to get rid of all troublesome witnesses still earlier. At the end of January, when he stopped the ransom of prisoners, he went further, and ordered to be banished from the Territory all the leading Americans, except those of French origin and other natives. This explains why the proposition was made to reach the native French inhabitants who had once been British subjects, and terrify them into swearing allegiance to Great Britain. On the first day of February, 1813, a meeting was held by several of these obnoxious gentlemen, to express their views on the subject, and the names appended embrace several of those mentioned by Baker. They express their indignation at Proctor's cruelty in sending them away and separating them from their families in Detroit, who would be deprived of their protection; declare the act a direct violation of the capitulation, which promised them protection; assert their right and duty not to submit to such wrongs without compulsion, and their resolution to enforce against him by proceedings in justice all rights which can be maintained; acknowledge their duty to maintain obedience so long as protected by the British flag, without prejudice to their American citizenship; pass a high encomium on Woodward, and request him to urge

a revocation of the obnoxious order. His intervention was made in the manner already spoken of, and he not only failed to do them any good, but felt compelled to depart himself. The names signed to this document (corrected from personal information so far as obtained) were, Lewis Bond, David McClean, William Wilson, John Dicks, Archibald Lyon, Israel Taylor, Anderson Martin, William M. Scott, David Henderson, William Russell, Joseph Spencer, James Patterson, George R. Chittenden, William Robertson, John Walker, Conrad Seek, Elijah Brush, Conrad TenEyck, Peter J. Desnoyers, Robert Smart, James Bennett, Richard H. Jones, William Brown, John McDonell, John Congsett, Duncan Reid, A. Langan, George Battzes (?) James Chittenden.<sup>1</sup> Of these, Mr. Desnoyers, though French, and bearing a name found in Canada, was not born in this country, but was a native of France, and settled in Detroit just after the Americans took possession. He was a gentleman of great worth, and died a few years since, universally respected. His son, Peter Desnoyers, then a lad, and now living, was one of the early State Treasurers.

Having got rid at home of all troublesome disturbers of such conscience as he possessed, the attention of General Proctor was soon called to matters outside. The news of the massacre of the River Raisin was received with a general burst of indignation, and the people of Kentucky,

<sup>1</sup> 4 Niles, 91.



who had especially suffered from the murder of their friends and kinsmen, determined not to leave them unavenged. Steps were at once taken to embody large forces of volunteers in Ohio, Kentucky, and all other parts of the west, and the service was sought with alacrity. It became evident that the Indians had put themselves where their condition was desperate, unless they could secure undisputed possession of their ancient hunting grounds; and they gave General Proctor plainly to understand that as they had allied themselves with the British for their own advantage, as well as to protect Canada, it was time some aggressive measures were taken to drive out the Americans. All the available forces of the savages were gathered for the work, and the British added their share of white troops, and assumed the task of defeating the army in Ohio. General Harrison had been unable to get intelligence early enough to reach the Raisin, to take part in the battle, and its result rendered any immediate advance on Malden impracticable. It was, therefore, resolved to make complete preparation for a future attack, with forces equal to the emergency. A fort was thrown up at the Maumee Rapids, named Fort Meigs, after the Governor of Ohio. On the first of May, 1813, Proctor, with a large force of British and Indians, well supplied with artillery, began an attack upon the fort, then occupied by General Harrison. The siege lasted until the 5th, when it was raised, and the besiegers

returned in some haste towards Malden. The garrison had been reinforced by General Green Clay during the siege, and a part of his army, under Colonel Dudley, after carrying out a well-devised plan for capturing the British batteries on the left bank of the river, had been led away by their ardor into advancing against orders too far, and were mostly killed or captured. On this occasion the barbarities of Frenchtown were renewed, under the eyes and approval of Proctor. The Indians massacred many prisoners, and compelled others to run the gauntlet. Leslie Combs of Kentucky, then a boy of 18, yet a captain and scout of great sagacity and dauntless courage, was among those subjected to this cruelty, and his description of the occurrences has been preserved and repeated on many occasions, and is well known. Proctor's conduct on this occasion was rebuked by Tecumseh, who in person interfered and stopped the atrocities, and tauntingly bade Proctor to go off and put on petticoats, for he was unfit to command soldiers.

Soon after this Dickson, a noted trader, had started from Mackinaw, and gone southward through the Green Bay country and Wisconsin, gathering the Indians in force; and early in the summer he arrived in Detroit, where Proctor and Tecumseh brought together a large army to make a second attempt on Harrison's defences in Ohio. The hopes of the Indians had been excited by the promise that Michigan should be set apart

for the Prophet and his followers, and they set out with sanguine assurance of success. After various movements to conceal their plans, they approached Fort Meigs. Tecumseh had conceived the plan of deceiving the garrison into supposing an attack had been made by the allies on an American force outside,—expecting by this means to draw out the garrison into an ambuscade. General Clay was on his guard, and although the noises were very suggestive of a fierce battle, and his officers were much excited and anxious to go out to defend their friends, he had been sufficiently warned to remain firm, and paid no attention to the mock fight. After lingering more than a day in the neighborhood, the allied forces concluded to let the garrison alone, and separated, a part returning to Malden and Detroit, and a part moving toward Fort Stephenson, on the Sandusky River. Harrison had his army where it was ready to move eastward or westward, as might be necessary, as the whole line of settlements near Lake Erie was threatened, and it was impossible to be sure where the blows would fall. The country being a wilderness, and the savages not moving in the manner of white troops, much vigilance was required to keep informed of their plans. The forces left the vicinity of Fort Meigs on the 27th of July. On the 31st Proctor appeared before Fort Stephenson, with gunboats, and a force of 490 regulars and 500 of Dickson's Indians, with about 2,000 Indians under Tecumseh,

who were near by in the woods. He was accompanied, as usual, by Elliott, the Indian agent, who was sent to demand a surrender. The fort was garrisoned by George Croghan, a young major of 21 years, with a garrison of 167, and one six-pounder. As usual, the demand for surrender was accompanied by the representation that it was made to prevent the effusion of blood, and that the Indians could not otherwise be restrained. Lieutenant Shipp, who was sent out to meet the flag of truce, knew, as did Croghan also, what sort of restraint General Proctor put upon his Indians, and surrender was not in their minds any more appropriate than it had seemed to Harrison at Fort Meigs, who had expressed his opinion that such propositions, with such suggestions, were insulting. Shipp informed them that when the fort was taken, there would be no one left to massacre; and he was called in by Croghan, not before he had been assaulted by an Indian in the presence of the bearers of the flag, with the evident design on their part of intimidating him. The work was not supposed defensible against artillery, but the little garrison strengthened it while the assault went on. They had no fears of the Indians, so long as they remained in their entrenchments, and they determined to hold out against the British until they were relieved or destroyed. All night long, and during most of the next day, a cannonade was kept up against the little fort, with no effect. The six-pounder was

used by the defenders very sparingly, for lack of ammunition, but their unerring rifles kept the enemy at a respectful distance. At last Proctor, chagrined and exasperated at the effect of the obstinate defence on his Indian allies, and afraid of Harrison's approach, determined to storm the fort. Croghan, calculating that the assault would be made against a weak angle of the fort, by first making a breach and then pushing up along the ditch, strengthened the exposed point by heaping up bags of sand and flour, and placed his six-pounder where it would rake the approach, loading it with a light charge of powder and a double charge of leaden slugs. The assault was made late in the afternoon of the 2d of August. After about half an hour's conflict at close quarters, where the rifles of the besieged did considerable damage to the besiegers, Lieutenant Colonel Short, of the regulars, followed by his men, leaped into the ditch and approached the point where they supposed the defences had been weakened. When they arrived within about twenty yards the gun was unmasked, and the first discharge threw them back in disorder, and the ditch was filled with a mass of dead bodies, and struggling men, wounded and confounded at the terrible havoc. Those who could move at once retreated, and the whole investing force withdrew. The number of the killed among the British is not known. About fifty were left in the ditch. The killed and missing were stated at 91. The wounded there were no means

of estimating. The Indian loss could not be ascertained, as they took off all their killed and wounded. The garrison lost one killed and seven wounded—none of them severely.

During the night, Proctor departed with all his company, leaving behind a gun-boat loaded with clothing and military stores. He left to avoid Harrison.

This brilliant defence was one of the most glorious exploits in our annals, and Croghan was justly honored with universal applause. The disasters of Proctor at Fort Meigs and Fort Stephenson shook the confidence of the Indians, and they began to regard him as a failure. But they were now in a desperate case. They had gone into Canada and in many instances taken their families. They had brought devastation on all the border country, and were dependent on the British stores for rescue from starvation. The United States had abstained as far as possible from using Indian auxiliaries, and this policy had been the cause of the defection of Walk-in-the-Water and Round-head. Immediately after the Battle of Fort Stephenson the head chief of the Wyandots Tarhee, (or the Crane,) Black-hoof, who had fought against Braddock, and Big Snake, chiefs of the Shawanoes, and Tocktowayning or Anderson, chief of the Delawares, asked leave of Governor Meigs and General Harrison to take part in the coming campaign. They brought 259 warriors.

During these transactions a forged letter arrived in Kentucky, purporting to be signed by General Harrison, to stop recruiting, which was acted upon as genuine until orders came for speed and urgency. The source of it was never discovered.

Kentucky had determined to send forward a large volunteer force, and enlistments went on with enthusiasm. The venerable Governor Shelby, sixty-six years of age, but still active and stirring, announced that he would lead them in person. His gallantry during the Revolution, at the Battle of King's Mountain, had rendered him famous, and just as these events were progressing the State of North Carolina, through the hands of Henry Clay, sent him a magnificent sword, in recognition of his services in that battle. Richard M. Johnson, afterwards Vice President of the United States, raised a regiment of mounted riflemen,—a class of soldiers not then as well known as they have been since,—which turned out to be of great value. Mounted rangers were in great demand for many branches of service, and they were held in mortal terror by the Indians, who were themselves in many instances very bold riders, but never in this region did much fighting on horseback.

The disaffected tribes in Michigan and Indiana were chiefly the Ottawas, Chippewas, Miamis, Weas and Potawatamies, although some of the Wyandots had been gained over, and Tecumseh had more or less of his own tribe with him.

Dickson's Indians largely represented scattering tribes of the further west and north, between Lake Michigan and the Mississippi. Okemos, one of the principal Chippewa chiefs of Michigan, was present, with a party of his braves, at some of the engagements along the Maumee and Sandusky. While on the Sandusky River, they were startled one day by the approach of a body of rangers, and concealed themselves among the limbs of a large tree, that had recently been felled or blown over near the trail. The soldiers rode by without discovering them, but one young brave, after they had passed, could not resist the temptation of rising upon the trunk and giving the war-whoop. The troopers were upon them before they could escape from their trap, and left them all for dead. After some time Okemos came to himself, but his eyes were blinded with clotted blood, and his limbs so mangled that he could not rise or help himself. Cautiously imitating the note of an insect, he was answered, and discovered that his brother also lived, but as helpless as himself. By painful efforts they managed to reach a little stream and wash their eyes and faces clear, and by crawling and rolling they got down to the Sandusky River, and into a canoe. They were unable to manage it, and drifted down, and were discovered and relieved by friends. By the time they were able to get about, the Americans had regained control in Michigan, and Okemos got Colonel Godfroy to intercede for him with General Cass. He after-



wards, with the rest of the chiefs, executed a treaty of fidelity, and never again interfered with the Chemokoman. He lived to nearly a hundred years of age, being active and vigorous in body and mind to the day of his death, although a wound in his shoulder never healed, and his head was completely furrowed with sabre-cuts. His habits were temperate, and among his contemporaries of the French, he was always welcome and respected. The township near Lansing, where he spent his later years, bears his name. His memory was very accurate and tenacious.

The people were untiring in their efforts, and the volunteer army began to assume formidable proportions. About the time that the British were compelled to retire to Canada, Commodore Oliver H. Perry, of Rhode Island, had fitted out his little fleet at Erie, to try conclusions on the water. The British naval chief Captain Barclay, was a brave and experienced officer, and the progress of the American navy, which they had not been able to interrupt, does not appear to have given much uneasiness to the enemy. General Harrison had made his plans to cross over into Canada by the aid of Perry's fleet, and the time approached for aggressive measures. On the 31st of July, 3,500 mounted volunteers had appeared at Newport, Kentucky, where Shelby had called for less than half that number. In due time, when somewhat disciplined, they moved northward. At Urbana the army was organized into eleven regiments,

five brigades and two divisions. On the 15th and 16th of September, the whole of Harrison's army, except Colonel Johnson's Regiment, was encamped on Lake Erie, and the prisoners taken by Commodore Perry had been landed and put in charge of a guard. Johnson was to move round the lake when the embarkation of the rest of the troops began.

On the 5th of August, Perry floated his ships over the bar at Erie into deep water, and on the 12th moved westward with ten vessels, great and small, and reached Put-in-Bay on the 15th. Here he was in communication with Harrison, and their plans were soon matured. Barclay gathered his fleet in Malden, from which place Perry made various futile efforts to draw him out. Having ascertained that Proctor's need of provisions would compel Barclay to communicate with Long Point, Perry made preparations for an immediate battle, and on the 9th of September he determined, if there should be further delay, to proceed to Malden and attack the British fleet. He had received accurate information of the strength of each of Barclay's vessels, through Major Henry B. Brevoort, of the army. This gentleman, whose family resided in Detroit, was equally at home on the land and on the water, and was well known to all the old citizens of Detroit as one of the most transparently honest and single-minded of men, brave, intelligent, and one who when he swore to another disappointed him not, though it were to

his own hindrance. He rendered good service in the fleet as commander of marines on the Niagara, and the knowledge which he had obtained enabled Commodore Perry to plan the work of each of his vessels in advance, so that the general scheme was arranged the night before the vessels came out, although some changes became necessary when the time of action approached.

At day-break on the 10th of September, the look-out from Gibraltar Island, at the mouth of Put-in-Bay, discovered the British fleet, and Perry sailed out to meet it. The vessels engaged on the British side were the ships *Detroit* and *Queen Charlotte*, brig *Hunter*, schooners *Lady Prevost* and *Chippewa*, and sloop *Little Belt*, carrying 63 carriage-guns, one pivot-gun, two swivels, and four howitzers. The American fleet consisted of the brigs *Lawrence*, *Niagara* and *Caledonia*, schooners *Ariel*, *Scorpion*, *Tigress* and *Porcupine*, and sloop *Trippe*, carrying 52 guns and two swivels. The *Lawrence* and *Niagara* each had 20 guns, three of the other vessels having one gun each, and the others two, three and four. The British had more long guns,—the Americans more carronades, but heavier metal. The numerical forces of men were very nearly equal. Captain Barclay had a larger proportion of old man-of-war's men.

The engagement began a quarter before noon. At three o'clock the British fleet surrendered, after one of the closest engagements known in naval history. No entire British fleet had ever

been captured before. The utmost bravery was shown on both sides. The American loss was 27 killed and 96 wounded; the British 41 killed and 94 wounded. Most of the loss in the American fleet was on Perry's flag-ship, the *Lawrence*, which lost 22 killed and 61 wounded. The brave victor was as humane as he was valiant, and the dead of both fleets were buried together, with the same honors and the same solemn services, while the wounded were all tenderly cared for, and the unfortunate British commander, who was dreadfully crippled, was treated with the generous kindness which he deserved.

Perry's subordinate commanders of vessels were Jesse D. Elliott in the *Niagara*, Stephen Champlin in the *Scorpion*, John H. Pocket in the *Ariel*, Daniel Turner in the *Caledonia*, Thomas C. Almy in the *Somers*, George Senat in the *Porcupine*, Augustus H. M. Conklin in the *Tigress*, and Thomas Holdress in the *Trippe*. Brevoort commanded a detachment of soldiers acting as marines.

Immediately after the enemy struck, Perry wrote upon his cap, on a scrap of paper, his celebrated laconic dispatch: "We have met the enemy and they are ours," and sent it to Harrison, who was on the lake shore west of Sandusky, about 30 miles from the scene of the battle. The cannonade was heard as far off as Cleveland, and Tecumseh, from his camp on Bois-blanc Island, had listened to the sounds, and endeavored to

determine the result of the battle, while Proctor, at Malden, was equally intent to listen. Proctor concealed the result from his Indian ally until it was impossible to prevent his knowledge of it. On the 18th, when the British General prepared to evacuate Malden, the Indians became greatly excited and enraged at his cowardice, and he only pacified them by promising to make a stand at the Moravian towns on the Thames. Tecumseh felt very keenly the desperate position into which he and his followers had been brought by their confidence in the British, and insisted that Proctor should at least stay and fight, or leave the arms and ammunition to the Indians, who would resist to the last extremity. In contempt for his cowardice, he compared him to a fat cur, sneaking off with his tail between his legs, after making a great show of courage. Malden was evacuated on the 18th, and an officer was left behind to burn up everything as soon as the American army made its appearance.

The fleet was now used to bring over the troops from the main land. It was impossible to transport the horses, and these were all left in Ohio with a guard, while the soldiers acted as infantry. They at first encamped on Middle Sister Island, and on the 27th of September crossed over the narrow space to the Canada shore about four miles below Malden. They at once marched into Malden and found it deserted by all

its defenders. Harrison at once prepared to set out after Proctor, but without any expectation of overtaking him until he should reach the Thames, where he had told Tecumseh he meant to make a stand. It was necessary to obtain a few horses, and on the 27th, Harrison wrote to Governor Meigs that "a miserable French pony, upon which the venerable and patriotic Governor of Kentucky was mounted, is the only one in the army." On the eve of landing, Harrison issued a brief but spirited order, closing with this significant passage: "KENTUCKIANS — remember the River Raisin; but remember it only while the victory is suspended. The revenge of a soldier cannot be gratified upon a fallen enemy." The sons of that noble State that in this war had sent out more than 17,000 volunteers, had come at last to their opportunity, and they did not abuse it.

Proctor was at Sandwich when Harrison landed, and he at once moved eastward with the Detroit garrison and all his auxiliaries. On the 28th, the American Army reached Sandwich, and General Duncan McArthur crossed over and took possession of the fort, which he had left before under such different circumstances. The overjoyed inhabitants were released from what had become a reign of terror. The fort had been fired, but the flames were extinguished, and General McArthur drove off a horde of hostile Indians, who were prowling round the neighborhood. The fleet arrived the same day. On the 29th, General Harrison issued his proclamation, restoring the

civil authority as it had been before the surrender, and entrusting its administration to the old incumbents when present, and to their next predecessors, if absent. Colonel Johnson's Riflemen came up on the 30th, and crossed into Canada the day after.

The American flag is said to have been raised by the inhabitants before McArthur's entrance. But it never floated again from the old flag-staff. That was left bare and uncared for as a memorial and warning, until a few years afterwards, in June, 1820, it was blown over by a severe wind and ceased to be visible over the walls. What ignominious uses its ruins may have served it is not recorded. It was not in demand for relics.

McArthur's command was left to hold Detroit. Cass's brigade was left at Sandwich, and Harrison, with a force of about 3,500, on the 2nd of October, pushed on by land after Proctor,—the smaller vessels of the fleet sailing up the Thames. Proctor was at last overtaken at the Moravian towns, and compelled to give battle on the 5th. The mounted riflemen dashed through the British line and turned it, and in less than ten minutes the whole force was captured, except General Proctor and 17 officers and 239 men. The official reports of his own government show that he was regarded as having been guilty of grossly disgraceful conduct.<sup>1</sup> His brave ally, Tecumseh, met

<sup>1</sup> Sir George Prevost, in his general orders, uses this severe language :  
" On this disgraceful day, upwards of 600 officers and soldiers were taken

a soldier's death by the hands of a very brave enemy, having been shot by Colonel Richard M. Johnson, while the latter was wounded and held down by his own horse, which had fallen on him, and Tecumseh was approaching to kill him. James Knaggs, who aided in carrying Colonel Johnson off the field, was intimately acquainted with Tecumseh, and recognized him when pointed out by Colonel Johnson as an Indian whom he had shot in self-defence. Probably no one in the army had as good a knowledge of Tecumseh as Captain Knaggs, who had been for years an interpreter, and familiar with all the chiefs. The identity of the slayer and of the slain is as well established as testimony can establish anything.

General Cass and Commodore Perry acted as volunteer aids to General Harrison, and he gave great credit to both for their efficient help in making his arrangements and preparations.

On the 7th, which was the anniversary of the Battle of King's Mountain, Governor Shelby was put in command of the army, and Harrison left for Detroit. On the 14th he appointed General Cass Provisional Governor of Michigan Territory.

The Indians began to desert Proctor before the battle. Walk-in-the-Water left him some days

prisoners almost without a struggle, of whom but very few appeared to have been rescued by an honorable death from the ignominy of passing under the American yoke, nor are there many whose wounds plead in mitigation of this reproach."—*Brock's Life*, 366.



before, and begged permission after the battle to follow him up, and thus atone for his own delinquency. The tribes were left by the result of the campaign on the verge of starvation. Harrison treated them kindly, and the hostile forces, consisting chiefly of Potawatamies, Ottawas, Chippewas, several bands of Miamis and Weas, and some Wyandots, came in and gave hostages, and were supplied with food. The victories on Lake Erie and the Thames ended the Indian troubles, except an occasional outrage from small bands, not approved by the tribes.

Several expeditions were sent out from time to time into Canada before the war closed. General McArthur, in 1814, penetrated nearly to Lake Ontario, and swept back along Lake Erie, doing much mischief to the enemy. Fort Gratiot was built in that year by the officer whose name it bears.

An attempt was also made in 1814 to retake Mackinaw, which failed, and Major Holmes, a very brave officer, from whom the old fort was afterwards named, was killed. The British were aided in this instance by whites from the Sault, and by detachments in force from Green Bay, composed chiefly of Frenchmen owing allegiance to the United States, and Menominie Indians, under their great chief Thomas, (usually called in imitation of its French sound Tomaw,) who was as remarkable in his gifts as Tecumseh, but less capable of self-control.

The Territory now began anew its career as an American community. Henceforth, the evil influences of British jealousy and cupidity ceased to operate to its ruin. Though for many years there were occasional encroachments, the region was no longer debatable ground, and the Indians generally acknowledged the American supremacy.

It is time that the men who rescued Michigan from its thralldom were remembered with less perishable memorials than the annals of the War Department. Even General Cass received his only public memorial by having a county named after him, in company with the members of General Jackson's Cabinet, and not for his civil or military services. Harrison, and McArthur, and Miller, and Johnson, and Perry, and all their brave coadjutors, have been passed over in silence. The name of Shelby, first given to the fort at Detroit, was dropped for that of Wayne, and the gallant old governor has no memorial.

As soon as careful search had discovered and identified the body of Captain Hart, he was exhumed and buried in Detroit with every honor which could be paid to his lifeless remains. It can never be too late to perform our duty to the rest—now passed beyond the reach of earthly glory, by doing something whereby they may be worthily commemorated.

A few years ago, on the 4th of July, 1872, the survivors of the massacre of the Raisin, and of

the battles that succeeded it, met at Monroe, to review the scenes of that time of trial; and the brave men who had all passed far beyond their three score and ten were gratified by the homage of the younger generations, for whose heritage they and their dead comrades had faced the perils of savage warfare, and redeemed Michigan for American liberty. To those for whom they saved it, the fame of the honored dead of Kentucky and Ohio should be as dear as that of Washington and his companions in arms, and the memory of that heroic struggle should bind these States together with the warmest love of kindred.

Among the other benefits of the Centennial celebration, we ought to number the renewal and perpetuation of all those honorable remembrances; and the evidences of our gratitude should be gracious and lasting.

## CHAPTER XIII.

### ADMINISTRATION OF GOVERNOR CASS.

GENERAL CASS was made permanent Governor of Michigan Territory, and William Woodbridge, of Marietta, Ohio, was appointed Secretary. Mr. Atwater, who had left Detroit immediately after the surrender, never came back. The Judges retained their offices until the change in their tenure, created in 1823, by the act re-organizing the Territory.

The war had scattered the people, and the population had fallen away considerably. It was not until peace was finally declared that the country was entirely relieved from the ravages of the hostile Indians. While most of them had made peace, and behaved reasonably well, the Saginaw band of Kishkaukon was very troublesome. Murders and outrages were committed in the immediate neighborhood of Detroit, and within its corporate limits. The people, when they had a chance to reach the aggressors, followed them up vigorously. General Cass acted in these emergencies with great energy, and went out in person with the volunteers to chastise the marau-

ders. After the failure of the Mackinaw expedition, no further attempt was made in that quarter till the treaty of peace. Fort Gratiot, built at the place once occupied by Fort St. Joseph in the 17th century, was intended, like that, to control the passage to and from Lake Huron, as the northern Indians generally travelled in their canoes through the River St. Clair.

On the 22nd of July, 1814, Generals Harrison and Cass made a treaty at Greenville, between the United States and the Wyandots, Delawares, Shawanoes and Senecas on the one side, and the Miamis, (known as the Miami Eel River and Weea tribes) and a portion of the Potawatamies, Ottawas, and Kickapoos, whereby it was agreed they should all make peace, and enter into alliance with the United States, acknowledging their supremacy. On the 8th of September, 1815, Harrison, McArthur, and John Graham, made peace with all of those tribes, as well as with the Chippewas, residing in Indiana, Ohio and Michigan. This was not signed by very many of the Chippewa or Ottawa chiefs. Okemos signed it as a chief of the Ottawas.

The treaty of peace with Great Britain did not put an immediate end to the bad feeling. This stipulated for the immediate restoration of all places captured, with all papers, public and private, and for determining, by commissioners, the boundary line in those waters where the position of islands or other difficulties made it

doubtful, and pledged each government to place the Indians where they were in 1811.

The British officers near Detroit paid no attention to the boundary lines, but pursued deserters into the United States, and on some occasions undertook to assert jurisdiction over American citizens on Grosse Ile and in American waters. An Indian was killed at Grosse Ile in the act of attempting to murder an American, and the commanding officer at Malden, Colonel James, directed an inquest, and offered a reward for the person who killed him. Governor Cass at once issued a proclamation enjoining the proper assertion and protection of American jurisdiction. Colonel Butler, commanding at Detroit, had also occasion to hold a sharp correspondence with Colonel James, concerning various infractions of right. In addition to other grievances, it was understood that Mackinaw was not likely to be surrendered, and that the Indians (which probably meant Dickson and the traders) meant to hold it. Malden was retained until such arrangements were made as ensured the delivery of Mackinaw. On the first of July, 1815, Malden was turned over to the British, and an American force sailed for Mackinaw, and took possession.

But the distance from headquarters, or some other cause, rendered some of the British officers in this region extremely insolent, and for a year or two there were continued aggressions. The American navy on Lake Erie had been dismantled,

and the naval officers at Malden, in 1816, undertook to visit and search American vessels, under pretext of looking for deserters, thus renewing on the lakes the outrages which had led to the war. General Cass, on being informed of these insults, wrote a strong letter to the Malden officials, and laid the matter before the authorities at Washington, where no doubt the acts were repudiated, as they were not repeated, and were probably excesses of instructions and mere private impertinence. The intrigues with the Indians were kept up, both about Detroit and in the north, and American territory was used in that region for purposes very unfriendly to the United States. The trading companies paid no heed whatever to law or international obligations. It was not until two Indians were hung for murder at Detroit, instead of being as usual despatched in more summary fashion, that a full check was put to their outrages in that neighborhood.

The first necessity of the country was more people. No lands had been surveyed before the war, except the old private claims. In 1812, among other war legislation, an act was passed setting aside two millions of acres of land in Michigan, as bounty lands for soldiers. As soon as the war was over, and circumstances permitted, Mr. Tiffin, the Surveyor General, sent agents to Michigan to select a place for locating these lands. Their report was such as to induce him to recommend the transfer of bounty locations to some

other part of the United States. They began on the boundary line between Ohio and Indiana, (which was the western limit of the lands surrendered to the United States by the Indian treaty of 1807,) and, following it north for fifty miles, they described the country as an unbroken series of tamarack swamps, bogs and sand-barrens, with not more than one acre in a hundred, and probably not one in a thousand, fit for cultivation. Mr. Tiffin communicated this evil report to the Commissioner of the General Land Office, Josiah Meigs, and he and the Secretary of War, Mr. Crawford, secured the repeal of so much of the law as applied to Michigan. They were stimulated by a second report of the surveyors, who found the country worse and worse as they proceeded. In April, 1816, the law was changed, and lands were granted, instead, in Illinois and Missouri.

This postponed settlements, but it saved Michigan from one of the most troublesome sources of litigation which has ever vexed any country. It was in that way a benefit. But the report of the surveyors is one of the unaccountable things of those days. Surveyors are usually good judges of land, and not likely to be deceived by the water standing on the surface of the ground, where the nature of the vegetation shows the soil cannot be marshy or sterile. A few instances have been found in our Territorial and State experiences, where surveyors made imaginary sketches of large tracts, and returned them as actual surveys, when



they had never visited the places. That trick was of later invention. It may be that the surveyors did not desire to run lines which bordered on the Potawatamie country, for fear of personal risks, which were certainly possible. But the country was not unknown. It had been traversed frequently by traders, and others, and was, not very long before, frequented by buffaloes in great numbers. The fact that Michigan contained so many Indians was proof that its lands were good, for they seldom congregate except in eligible regions. Mellish had published, a few years before, a very accurate general account of the whole Lower Peninsula, in which the country is as well described as it could be in as few words to-day. Some have supposed the surveyors were bribed by those who wished to prevent settlements. Although there were persons interested in that direction, there is no evidence that they interfered. It is nevertheless possible that they either bribed—or more probably adopted the cheaper course of scaring—the surveying party.

It has already been stated that during Hull's administration there were no counties laid out; and the divisions were all into districts. General Cass, who had much clearer notions about popular institutions, began early to establish the ordinary American divisions. Wayne County, as originally laid out in the Northwest Territory, was not exactly coincident with Michigan Territory, even in its diminished proportions. But a

single county, covering the same geographical extent with an entire State or Territory, would be an anomaly, and a county split up into several supreme judicial districts, would be more anomalous. Assuming that the surveys would be made, and the bounty lands located, General Cass, on the 21st of November, 1815, began the county system, by laying out that part of the Territory in which the Indian title had been extinguished, into Wayne County, with its seat of justice at Detroit. At the same time he divided the whole Territory into road-districts, coincident with the several militia-company districts, which were already defined. No provision had yet been made for establishing townships, and until the people became indoctrinated with ideas of self-government, which the Ordinance had not assumed as one of their early prerogatives, there was no place for these small republics.

In 1812, Congress had directed the President to have the northern boundary of Ohio surveyed, in accordance with the law authorizing that State to form its constitution, "and to cause to be made a plat or plan of so much of the boundary line as runs from the southerly extreme of Lake Michigan to Lake Erie, particularly noting the place where the said line intersects the margin of said lake." (*Act of May 20, 1812.*) The war interrupted this, and it was not surveyed until some years thereafter. Meanwhile Indiana had obtained a population large enough to entitle it

to admission into the Union. On the 19th of April, 1816, the people of that Territory were authorized to form a State; and its boundaries, instead of being left as they were when Michigan was set off, were fixed on the north by an east and west line ten miles north of the southern point of Lake Michigan, thus taking a strip ten miles wide off from the southern portion of Michigan Territory. As our people had then no representatives, and there was no public journal in the Territory, this encroachment necessarily remained for future settlement. The State was admitted December 11, 1816. On the 18th of April, 1818, Illinois was authorized to form a constitution, and its boundary was continued northward beyond that of Indiana, to latitude  $42^{\circ} 30'$ , to that extent curtailing the future State of Wisconsin. Illinois was admitted on the 3d day of December, 1818. All of the old Northwest Territory north of Indiana and Illinois, was from this time made a part of the Territory of Michigan.

On the 14th of July, 1817, the County of Monroe was established. In the previous month provision had been made for the erection of a jail at Mackinaw for the use of a future county. The immediate occasion for the organization of Monroe County was probably the expected visit of President James Monroe, who had then started out on his tour through the Northern States. He arrived at Detroit about the middle of August, accompanied by several distinguished officers. On

the 14th he reviewed the troops. On that occasion Governor Cass, on behalf of the State of New York, presented to General Alexander Macomb, a magnificent sword, in honor of his conduct at the Battle of Plattsburgh. Generals Brown and Wool were present, and probably General McNeil, as he went north soon after. The *Detroit Gazette*, the first regular newspaper of any permanence established at Detroit, made its appearance at this period. It was conducted by John P. Sheldon and Ebenezer Reed, and was an able but very caustic and personal journal.

The financial affairs of the Territory were not satisfactory. The currency chiefly in vogue was Ohio paper, (which was becoming of very poor credit,) and private bills or shinplasters, which very soon became much more abundant than the prosperity of the country required. In parts where the press had not penetrated, business was carried on upon the system of barter, or "dicker" as it was then called, and occasionally specific articles became practically legal tenders. Among other things it is related that in one community nests of wooden bowls became current for small change, as shingles were subsequently in the pine country. There were financiers, nevertheless, who understood their position; and it is related of one shrewd gentleman that, being in an adjoining State where he was personally unknown, and where some of his shinplasters circulated, he took part in the abuse lavished on them, and induced some of his

traducers to join with him in manifesting contempt for such trash, by burning it;—he setting the example, by throwing a large parcel into the flames.

In the prospect of a future growth in population, it was deemed proper to organize the University, for which provision had been made several years before. On the 26th day of August, 1817, just after Monroe and Cass had departed southward, an act was passed to incorporate the Catholepistemiad or University of Michigania. This institution, which was identical in law with the present University, contained thirteen *didaxiac* or professorships, which were sufficiently comprehensive. These were to embrace (1) *catholepistemia*, or universal science, the incumbent of this chair being President; (2) *anthropoglossica* or language, embracing all sciences relating thereto; (3) mathematics; (4) *physiognostica*, or natural history; (5) *physiosophica*, or natural philosophy; (6) astronomy; (7) chemistry; (8) *iatrixica* or medical sciences; (9) *oeconomia*, or economical sciences; (10) ethics; (11) *polemitactica*, or military sciences; (12) *diegetica* or historical sciences; (13) *ennoeica* or intellectual sciences, embracing all the *epistemum* or sciences relative to the minds of animals, to the human mind, to spiritual existence, to the Deity, and to religion,—the *Didactor* or professor of this being Vice President. The *didactors* or professors were to be appointed and commissioned by the Governor,—each might hold

more than one chair, and their salaries were payable out of the public treasury, the taxes being increased 15 per cent. for that purpose. The united faculty formed the corporation, with power not only to regulate its concerns, but to establish colleges, academies, schools, libraries, museums, athenaeums, botanic, gardens, laboratories, and other useful literary and scientific institutions consonant to the laws of the United States of America and of Michigan; and to appoint teachers throughout the counties, cities, towns, townships, and other geographical divisions of Michigan. These subordinate instructors and instructrixes were also to be paid from the treasury. Four lotteries were authorized to raise funds. The students' fees were not to exceed fifteen dollars a quarter for lectures, ten dollars for classical, and six for ordinary instruction; and the expense for poor students was to come from the treasury. On the same day the salaries of the professors were fixed at twelve dollars and a half, instructors twenty-five dollars, President twenty-five, and Vice President eighteen dollars. Appropriations were made at the same time to pay all of these, and a further sum of one hundred and eighty dollars, to apply on lots and building. A gift of two hundred dollars more was made a few weeks later towards enclosing the building.

This plan was adopted in view of movements already begun, and it went at once into operation. Rev. John Monteith and Rev. Gabriel

Richard were appointed to the various professorships, and they forthwith established primary schools in Detroit, Monroe and Mackinaw, and a classical academy and college in Detroit.

On the 29th of September, 1817, a treaty was made at Fort Meigs, between Generals McArthur and Cass and the Chippewas, Ottawas, Potawatamies, Wyandots, Shawanoes, Delawares and Senecas; whereby the Chippewas, Ottawas and Potawatamies, in view of their attachment to that church, and their desire to have their children educated, gave to St. Anne's Church, Detroit, and to the College of Detroit, each an undivided half of six sections reserved to those nations by Hull's treaty of 1807, — three of the sections being on the Macon Reserve on the River Raisin, and the remainder to be selected thereafter. There were also many private gifts and subscriptions to establish the Detroit schools and College. One thousand pounds (\$2,500) was subscribed in a single day in aid of the building. Probably the same liberality prevailed in the other towns. From that time on Detroit never lacked good schools. The first University building was of brick, twenty-four feet by fifty. It was used for school purposes more than forty years.

The pedantry of this act, which was drawn by Judge Woodward, and his selection of phrases which are neither Greek, Latin nor English, led to much ridicule. But the scheme itself was approved, and carried out. It is by no means

likely that he did very much more than put in this questionable shape a plan already agreed on. The other members of the Legislative Board were as well educated as himself, and as zealous in the interests of education. In many respects it is an admirable system, but it was found afterwards that it lacked accuracy and completeness, and was not by any means perfect. When the Territorial statutes underwent a general revision in 1820-1, this was replaced by a less pretentious act, and it was never published by the Governor and Judges except in the newspapers.

In considering the plan of the Catholepistemiad, the suspicion naturally arises that in providing for a chair of catholepistemia, or universal science, the worthy Chief Justice may perhaps in his mind's eye have seen a new Bacon in the incumbent, who would vary his judicial pursuits by devising a newer Organon, and discourse to ingenuous youth *de omnibus rebus et quibusdam aliis*. But *Dis aliter visum*. The Governor lacked appreciation, and another received the office.

The land surveys had made such progress that sales were ordered in the fall of 1818. All the country to which the Indian title had been ceded, or which contained settlements, was laid out into counties. Macomb County was established January 15th, 1818, and Michilimackinac, Brown and Crawford, on the 26th of October, 1818. Brown County took in the eastern part of Wisconsin, with its county seat near the mouth of Fox



River; and Crawford County the western part, with its county seat at Prairie du Chien.

On the 30th of May, 1818, the duties of managing county affairs were transferred to county commissioners, three of whom were to be appointed in each county by the Governor.

The Territory was now in a very fair way of growing. There were very few roads as yet, and facilities for land travel did not abound for many years. But the business of Detroit was flourishing, and the country, in spite of the report of the surveyors, was believed to be worth seeking. The lakes were not yet much navigated, and all travellers by water were obliged to take advantage of occasional schooners, of small capacity. Nevertheless, the sums received in 1817 for the carriage of passengers over Lake Erie to Detroit amounted to \$15,000. This indicates a good business. The military road had been finished about ten miles beyond Monroe, and some travel came over that. In 1818 the exports of fish and cider amounted to \$60,000.

The ponies which abounded in the woods, were very serviceable for travelling through the country upon the trails. These tough and sagacious animals ran at large, and droves of them, branded, usually, with the name of some owner or reputed owner, were to be met everywhere near the settlements. When the seasons were dry, they would come in to the streams for water in large troops, and sometimes in the night they would gallop

through the streets with a great clatter, but doing no harm unless where salt barrels were left exposed, when they would break them in to get at the salt. On a journey they were usually spancelled with a strap, or fettered, at night, and the bell which each one wore was freed from the straw which had bound the clapper through the day. They rarely strayed far from a camp. They lived on what they picked up on the road, and were very free from the diseases which attack animals more tenderly raised.

In March, 1818, shoes were sent up from Detroit to Green Bay for the troops, by pack-horses. That town had been garrisoned in September, 1817, and the American jurisdiction had never before been exercised there effectually, unless by Judge Réaume, whose authority seems to have belonged to universal jurisprudence. The use of pack-animals instead of vessels, shows the limited extent of water carriage. The abundance of horses, and the small expense of their sustenance, made this less costly than might be supposed. The winter carriage in the upper country was for many years conducted by dogs, and people were very expert in devising contrivances for their animals. The pack-saddle was made of light wood, so padded and shaped as not to gall the horse's back or shoulders, and everything was dispensed with which could be spared. It is not very many years since Indian cavalcades of these pack-horses were not unfrequently met in the forest,

carrying the tent-poles and other movables of the wigwam, and the utensils of all sorts belonging to the household, with more or less of the members of the family perched on the pack-saddle, or peering out from the loading.

On these journeys, travellers, of whatever rank, were compelled to take such provisions as were least burdensome. Hulled corn was one of the staples, and this, with a modicum of fat meat or tallow, was the chief reliance of *voyageurs* and *engagés*. Maple sugar was largely used with the corn. Such game, fish, fruit, or other articles as were found along the road, were welcome additions to the frugal meal. A common form of condensed food was called *praline*, composed of parched corn, pounded fine and mixed with maple sugar. Corn was also used by the French and Indians in the form of a soup or broth called *medaminabo*. All wise travellers who could afford it took along a generous supply of tea, and after their evening meal and copious draughts from their tin cups, they rolled themselves up in their blankets, with a saddle or log for their pillow, and slept soundly with no other shelter.

The population had now reached the number authorized under the Ordinance to form a representative government. It having been submitted to a popular vote in the spring of 1818, whether this step should be taken, it was voted down by a large majority. It is difficult for us, who have been educated under a system of self-government

to comprehend the feelings of those who have been brought up under a paternal government. The brief period of representation in the Assembly of the Northwest Territory had not habituated the French settlers to our notions, and the absence of any local system in township and county administration left them entirely ignorant of its advantages. Those who reached middle age before the people in the Territory became entitled to vote for their own officers, were not always pleased with the change, and some of them, who survived to a very recent period, never ceased to sigh for the good old days, when the commanding officer was the whole government.

General Cass was in advance of any statesman of his time in his ideas of popular interference in the selection of all grades of public officers. There is much difference of opinion now concerning the policy of electing by general vote those officers whose functions are not representative. He adhered to the doctrine with tenacity, that the people should have a direct voice in appointments generally; and some matters which, in his subsequent national career, were occasions of difficulty and opposition, were the direct results of his consistency in his opinions on this subject. A man who occupied such offices as he filled at various times can rarely be dealt with impartially, until the political excitements and prejudices of the period have been removed. But it is due to his memory by all candid men, whether political

- adherents or opponents, to admit that he was not only a patriotic and energetic officer, but above all things a sincere and devoted admirer and upholder of America and American institutions. When we look at the circumstances attending the early existence of the Territory, and the difficulties besetting its progress, the importance and value of his services as Governor can hardly be exaggerated.

The difficulties of the Legislative Board might very well have disposed him to desire a change in its composition. With too much good humor and good sense to become involved in any personal difficulties, the want of harmony between his judicial associates, and the occasional presentation, as an excerpt from the laws of other States, of such a piece of language run mad as the charter of the Catholepistemiad, must have been sorely annoying. That queer production was acted upon in his absence, though not against his wishes. He was prompt in aiding to endow the University; but the two soldiers who negotiated the Treaty of Fort Meigs had some respect for good English, and named their beneficiary the College of Detroit. It would have tried the skill of some of the interpreters to turn that mixture of jargons into the dialects of the woods.

In March, 1818, the people were called upon to perform another solemn duty. It had been a matter of much difficulty to identify or bury any of the victims of Winchester's unfortunate mas-

sacre at the Raisin; and, after all their efforts, the authorities were only able to determine the burial place of Captain Hart. His fate had been singularly sad, and no one had been more lamented. He was not singular in his self-devotion, for in that all his companions were like him. But his admirable personal qualities, and his promise of eminence, as well as the peculiar circumstances of his death, made his name conspicuous. Left behind at Frenchtown after the British went to Malden, and not being sent for by a personal friend who had promised to send for him, and who was under obligations for kind care during his own sickness, he was finally slain while on the road to Malden, by reason of a dispute between his guides. When it became practicable to perform the last honors to his memory, a meeting was called, at which the Governor presided, and preparations were made for his reinterment at Detroit, with all due solemnity. A committee of the principal citizens made the necessary preparations, and on the 17th of March his funeral rites were celebrated, with all the tokens of respect and sorrow which were due to him, not only for his own sake, but as a representative of the noble dead whose lives had been spent for the people who now mourned him.

The 27th day of August, 1818, was a day long remembered in Detroit. On that day the first steamboat made its appearance on the Strait. The steamboat Walk-in-the-Water, (whether named

from the Wyandot chief, or for her own qualities, is uncertain,) arrived on that day from Buffalo, with a large load of passengers. She was built at Black Rock, and when completed was taken up to Buffalo against the strong current, not by her own motive power, which had not yet been tried, but by what Commodore Blake facetiously called the "horned breeze," several yokes of strong oxen towing her up safely.<sup>1</sup>

The Indians had received early intelligence that a great ship drawn by sturgeons was to make its appearance in the Detroit River, and when the steamer glided up the stream without any visible means of progress, the red men swarmed along the shore and filled the air with their noisy shouts of wonder.

Henceforth the way was clear for the westward-bound pioneers. The land was put in market that season, and purchases were made of considerable amounts by actual settlers. The weekly trips of the steamboat brought up full loads of passengers, on some occasions as many as a hundred. The steamers were then considered large which to-day would appear too small for even

<sup>1</sup> General Whiting, in a *jeu d'esprit* entitled "The Age of Steam," read at a Fourth of July steamboat ride, in 1830, refers to this:

" And where was e'er the modern wight,  
Who, though possessed of second sight,  
Twice eight years since could see a boat  
Within the shadowy future float?  
Or see one lying at Black Rock,  
(For Buffalo then had no dock,)  
Compelled to lay the Straits below,  
Till 'horn-breeze' or a storm should blow."

rough river service, and would seem insignificant beside the smallest lake boats. The Erie canal was not yet built, and those who embarked at Buffalo had traversed a long road in wagons or on foot. Many, too, landed in Ohio, whence very few passengers then came across the lake to Detroit. The suddenness and magnitude of the first general movement towards Michigan was a surprising evidence of the restless energy of the American people. Very little foreign population came in those days across the lake. Most of the settlers were natives of New York or New England.

It was during this year that Captain John Cleves Symmes propounded his theory of a pleasant and habitable region within the earth, accessible from a large opening near the Arctic Circle, and proposed to organize a party to explore and possess it. As he was once familiarly known in the Northwest Territory and Detroit, this important incident should not be overlooked. For some reason "Symmes's Hole" did not divert emigration from the better known western country.

The first permanent Protestant church in the Territory was organized at Detroit in 1818, and called the "First Protestant Society." Its membership was made up of persons belonging to several bodies of Christians, and it was not denominational in its form, so that ministers of various opinions officiated at different periods. Mr. Monteith was the first settled pastor. Before that time there



had been occasional services of different churches, and the Society which finally became incorporated had been informally organized in 1816. Methodist clergy had visited Detroit earlier, and perhaps some others, but no societies had been formed. Episcopal services had been held by lay-reading, at which Dr. William McDowell Scott generally officiated as reader; and the Reverend Richard Pollard of Sandwich, very soon after the American possession, performed clerical duties in baptisms, marriages, and burials, among the members of the Episcopal Church, and others who desired his services. In 1822, the Methodist church became incorporated. In 1824, St. Paul's Episcopal Church was organized. Other churches followed, and the First Protestant Society became a Presbyterian church, and is still existing as such.

In September, 1818, the Wyandots exchanged their reserves at Brownstown and Monguagon for one further back on the Huron River, where they remained several years. In 1819, a treaty was held at Saginaw, whereby the country from near Kalamazoo to the head of Thunder Bay River was ceded to the United States, except a number of special reservations, partly for individuals and partly for bands or villages. In June and July, 1820, sixteen square miles were ceded at the Sault Ste Marie, as well as the St. Martin Islands in Lake Huron, containing gypsum. In 1821, a cession was obtained of all the land south of Grand River and north of St. Joseph's River, and

other lands, whereby, except for a small tract south of the St. Joseph, and particular reserves, there remained no unceded land in the Lower Peninsula, except north of Grand River, and north and west of the head of Thunder Bay River. The necessities of the people were provided for, as far as would be required for a long time.

The election of a delegate to Congress was, by the original ordinance, to follow the legislative organization, and not to precede it. But inasmuch as the population was large enough to warrant it, Congress, in the Spring of 1819, provided that the citizens of Michigan might elect a delegate, by a plurality vote of the free white male citizens over the age of 21, who had resided in the Territory one year and paid a county or Territorial tax. The first delegate chosen was William Woodbridge, Secretary of the Territory; (who seems to have retained his Territorial office, but who soon resigned the other;) and Solomon Sibley was chosen in his place in 1820. Judge Sibley held the office until 1823, when he was succeeded by the Reverend Gabriel Richard, Rector of St. Anne's Catholic Church. It is not often that a gentleman of his profession has appeared in Congress. He was a faithful and diligent representative, and performed his duties to the general satisfaction. This being the only elective office of the Territory, and there being no scope for the ordinary political struggles, there was generally a good deal of excitement and contro-

versy, which was at first rather personal than political. But the candidates were all usually well qualified, and any of them would have done sufficient credit to his constituents. Father Richard's antagonist in 1823 was General John R. Williams. Austin E. Wing, Major John Biddle, Lucius Lyon, and George W. Jones, were at different periods incumbents of this office. In 1827, the Secretary of the Territory, Mr. Woodbridge, and Robert Abbott, Treasurer, in canvassing the Inspectors' returns, undertook to anticipate the prerogatives of Congress, and to discuss and determine upon the validity and regularity of the election, and of votes cast in various places, and gave Mr. Wing the certificate by the result of this process. The Legislative Council appointed a committee to investigate the matter, who animadverted severely on the excess of jurisdiction, but questioned the power of the Council to deal adequately with officers appointed by the United States. At this time there was a violent personal—rather than strictly party—feeling arising, which had been bitter during the election, and which was probably for a few years extreme in proportion to the small field open to its operation, and the absence of well-defined party issues. It was afterwards in other ways not without serious mischiefs, which cannot be discussed or understood now as fully as might, on some accounts, be desirable. There are still living many persons interested in the contest, and more or less affected by its passions and prejudices.

In 1819 the Bank of Michigan was organized, which, during its many years' existence, was a very important instrument in the financial affairs of the country. Its organization gave rise to a suit to determine what power the Territory had to charter private corporations; but the courts never felt any serious difficulty in determining that territories have the same need of the instrumentalities of business as States, and have authority to avail themselves of, and secure to their people, all the means required to further the wants of civilization.

In the summer of 1819 the Walk-in-the-Water made the first steam voyage to Mackinaw, with a large load of passengers and freight, making the round trip from Buffalo and back in twelve days. Its cargo was reckoned worth \$200,000. At this time there were no post roads in the Territory—the first one having been established in 1820, to Pontiac and Mount Clemens.

In 1820 Governor Cass organized an expedition to explore the country through the upper lakes to the head of the Mississippi. This exploration had important results, and was of scientific as well as political value. The population, although increasing fast in the last two or three years, had only reached 8,765, and it was thought desirable to take all practicable measures to obtain and publish a knowledge of the country and its resources, to invite settlements.

The expedition left Detroit on the 24th of May, 1820. Its members were Governor Cass, Dr. Alexander Wolcott physician, Captain D. B. Douglass engineer, Lieutenant Aeneas Mackay commanding the soldiers, James Duane Doty secretary to the expedition, Major Robert A. Forsyth Governor's secretary, Henry R. Schoolcraft geologist and topographer, Charles C. Trowbridge assistant topographer, and Alexander R. Chace.

They performed their journey in bark canoes, of the size and pattern used in the fur trade, where for more than a century the burden had been fixed at four tons, and the size a little over five fathoms and a half in length by one in breadth. These light craft were proved by experience to be superior to all others for exploring purposes. At Mackinaw they divided the company and the freight among four such canoes, and took besides a twelve-oared barge with an additional escort, to the Sault, where the Indians were reported unfriendly. The British at this time had fortified Drummond's Island, which was then disputed territory, and had made it the centre of their dealings with the Indians, in the United States as well as in Canada. In 1816, immediately after the war, Thomas, the great Menominie chief, went through Mackinaw, on his way to obtain the usual presents from the British, and was somewhat surprised that Major Puthuff, the commandant, did not treat him with hospitality after he told his errand. He returned to the island

from the Ste. Marie's River very much mortified by the cold treatment of the British agents, who for a time, (though a very short one) curtailed or suspended their gifts. The proud spirit of the chief was so wounded by this that he shut himself up in his wigwam and drank himself to death. He was buried at Mackinaw with much respect, as he was a very able and high-minded man, who is said to have had a majestic presence, and a magnetic influence over all who met him. The practice of making presents was soon renewed, and when Governor Cass's party reached the Sault, they found themselves among enemies. No American possession had been maintained since the war.

The party arrived on the 14th of June, and found that the village on the American side then consisted of from 15 to 20 buildings, occupied by five or six French and English families, among whom was the family of John Johnston, before mentioned as having aided the English during the war. On the other side, the Northwest Company had a factory, and had provided a system of boat lockage in the narrow channel near the Canadian shore, to accommodate their large business. The savages were practically under their control. The American side was occupied by the French very early, and, as previously mentioned, had been granted to Repentigny, whose fort was standing during the Pontiac war, but was long since abandoned.

One object of this expedition was to establish a new fort; and it was deemed advisable to hold a council with the Indians, to ascertain and agree upon the bounds of the old concession. A council was held at the Governor's tent on the 16th. The Indians were surly, and not disposed to remember that any concession had ever been made; and some of the chiefs intimated that they might be disposed to allow civil settlements, but that a military post might be subjected to annoyance and plunder by their young men. The Governor answered this by an emphatic assurance that a fort would be placed there in any event, whether they agreed to it or not. The council, in which a chief dressed in the uniform of a British brigadier-general was prominent, came to no agreement, and broke up in some disorder. This chief, called the "Count," during his speech, planted his war-lance in the ground, with furious gestures, and kicked away the presents laid before him. On leaving the council the Indians went to their own encampment, on an eminence where the old French fort had stood, 500 or 600 yards off, and hoisted the British flag in front of the Count's wigwam. Governor Cass, on discovering this, walked over, with no escort but his interpreter, and took down the flag and carried it away, informing the astounded chief that none but the American flag must be raised on our territory, and that if they should again presume to attempt such a thing the United States would put a strong

foot on their necks and trample them out. This boldness struck them dumb for a while, but they soon sent off their women and children, and made preparations for an attack. The American force, numbering 66 well armed, got ready to meet them. The head chief, Shingobawassin, who had not been present at the council, interposed and brought the Indians to their senses, and that same day at evening a treaty was signed, releasing to the Americans a tract embracing sixteen square miles. Neither the Count nor Shingwauk, the two noisiest opponents, signed it. From this place they went by the usual coasting voyage along the south shore of Lake Superior, crossing Keweenaw Point through Portage Lake, and across the land portage, and visiting the great copper boulder on the Ontonagon River. They went up the St. Louis River to a portage near Savannah River, and down that stream, and through Sandy Lake, to the Mississippi, ascending that river through Lake Winnipeg to Upper Red Cedar or Cassina Lake. On their return they descended the Mississippi to the Dubuque mines, and then went up to Green Bay by the Wisconsin and Fox Rivers, and there separated. A portion of the company went to Mackinaw, and thence directly homeward, the remainder proceeding to Chicago, whence General Cass returned overland to Detroit, the rest coasting along the eastern shore of Lake Michigan. The knowledge of the northwest derived from this careful exploration was of great value.



It is a very singular fact that between 1806 and 1820 no provision had been made for publishing the Territorial Laws, and some of them had been lost and were never found again. In 1816, a meagre volume was printed in Detroit, in type hardly legible, containing the titles of some laws, and abstracts or indexes of others, and a very few in full. This publication was thus condensed for want of means. In 1820, Congress appropriated twelve hundred and fifty dollars for the publication of existing laws, and the Legislative Board compiled and revised their legislation so as to put it in a very good form, and supply the place of a code. Some changes were made at this time, but none requiring special notice. The compilation was not perfect, however, and omitted some important statutes.

It was not creditable to the Territory that public whipping was allowed to be inflicted on Indians and negroes convicted of various offences, and, by the order of a single justice, on disorderly persons, and those convicted of small offences. The whipping post disgraced the Detroit market house until 1831, when this relic of barbarism was forever removed. The not less barbarous custom of selling the poor to the lowest bidder, was also long kept up, with the disgusting spectacle of the ball-and-chain-gang. The legislators were, perhaps, not behind their time altogether, but such exhibitions were not improving.

Duelling, challenging, and posting, were made punishable in 1815 for the first time. The law

was borrowed from New Jersey, which had once been a great duelling ground.

In 1822, the United States abolished its system of government trading houses. Its abolition removed many frauds and opportunities of speculation, and enabled the American fur-traders to compete with the British; and from that period the British influence over the Indians was sensibly checked. But the Indians were nevertheless kept as far as possible under their control, and they still retained a foothold on our territory. The commissioners under the Treaty of Ghent had determined, in 1822, that Drummond's Island, at the mouth of St. Mary's River, belonged to the United States; yet the British post was complained of in 1826, as still remaining, and the American Indians, to the number of 4,000, received presents and annuities there during that year for their services to Great Britain; while at Malden, then and for many years thereafter, the same practice prevailed. The evils of submitting to such a system of subsidies are too manifest to need pointing out. The government was much to blame for allowing it. There are many persons now living who have seen the fleets of the great northern canoes lining our shore, and congregated savages, far more numerous than the white inhabitants, receiving guns, knives and hatchets, as well as other gifts, from the Malden agency, and indulging after their reception in a drunken frolic in our streets. It is not to be denied, however, that they left be-

hind them in Detroit a fair share of their presents.

In 1821, among the new laws contained in the volume published by the Board, was a statute repealing the former University Act, and entrusting the University and its affairs to twenty-one trustees, the Governor being one *ex-officio*. Their powers were not materially altered, but the Territorial support was withdrawn. The schools were still kept up, and a large lot was soon thereafter conveyed to the institution, embracing a considerable parcel adjoining that already built upon. This corporation continued as organized in 1821, until re-organized under the State Constitution.

In 1822 six new counties were established,—Lapeer, Sanilac, Saginaw, Shiawassee, Washtenaw and Lenawee. They were not set apart as completely organized counties for some years. Thenceforward occasional changes and additions were made, the largest number of counties at one time for many years having been created in 1829, when counties were named after the President, Vice-President and Cabinet, and General Cass, who was not long after made a member of it. As the country opened, it became necessary to divide it up very much in advance of dense settlements.

The situation of Mackinaw and the counties west of Lake Michigan was such that the judicial system was found to work very badly. They had the county courts, presided over by lay judges,

but an appeal lay from these to the Supreme Court, where a new trial was had by a jury as in the lower court. The Supreme Court had exclusive jurisdiction of large cases, of real actions, of admiralty and other United States business, and of capital crimes; and concurrent jurisdiction with the county courts of other offences. But one term of four weeks was held each year, in Detroit, on the third Monday of September. At that time navigation northward was in those days closed, and even if open the hardship of bringing parties and witnesses so far was excessive. James Duane Doty, who had removed to Green Bay, prepared and laid before Congress a full statement of these grievances. It appears from his showing, that the litigants were mostly private traders, who were compelled to go to the Indian country in winter to sell their goods to the Indians, and buy furs, and that the Indian debtors had a curious rule of considering their debts paid by a tender of the proper amount of furs at the trader's residence. If he was absent or not ready to receive them, he was reasonably certain to lose his demand. The only months in which it was safe for a trader to resort to the settlements were May and the summer months. He also made some remarkable showings concerning the amount of business in that country. He asserts that no territory (unless possibly Orleans) had yielded so large a revenue to the United States from duties on imports. That in 1807, the duties at Macki-

naw exceeded \$40,000, although afterwards less,—the decrease arising from some of the importations coming into New York, which before were made directly through Canada. In November, 1821, 3,000 packs of furs had been exported from Mackinaw. It appears from other sources that the sale of foreign goods, (chiefly to the Indians) amounted in the Territory at cost to about a million of dollars annually.

Congress, in accordance with the wishes of the people, enacted, in January, 1823, that there should be a separate judge appointed to hold a district court in that region, having all the ordinary jurisdiction of the Supreme and county courts, subject to the appellate jurisdiction of the Supreme Court on writ of error, but not otherwise. It was to have full criminal powers, and jurisdiction over all offences and transactions connected with the commerce or dealings with the Indians. Mr. Doty was made judge of the new court.

The same session of Congress adopted a further law, on the 3rd of March, 1823, completely revolutionizing the Territorial government. The legislative power was transferred to the Governor and Council, composed of nine persons selected by the President and confirmed by the Senate, out of eighteen elected by the people of the Territory. Sessions were not to exceed sixty days, and laws were subject to Congressional abrogation. The judges were to have equity as

well as common law powers, and their term of office was reduced to four years, instead of during good behavior. The existing offices were to become vacant on the 1st of February, 1824. The pardoning power was vested in the Governor for all offences against the Territory, with power of reprieving in United States cases.

On the 22nd of October, 1823, the corner stone was laid of a building intended for a court house, and used until 1847 as the Territorial and State Capitol. It was a fine building for that period, and very well built. The original design had been to build it in the Grand Circus, the central space of Judge Woodward's Cobweb, and now the finest public ground in Detroit. That spot was then remote and inaccessible, being regarded as far out in the country, and in the woods. The new location was also complained of as too remote, and accusations of all sorts of interference and corrupting influences were made against the land owners in the vicinity, who had secured the capitol so near them, when it was a long and tedious journey to reach it. For many years it stood alone in the wilderness, reached only by a narrow line of single timbers for a walk, and too far off for any one to resort to it except under dire necessity. It is now far below the central part of Detroit, and in the very heart of the heaviest business.

In the midst of the tumult naturally caused by the great political revolution, an amusing excite-

ment arose concerning a mysterious manuscript which was found in Detroit, in some out of the way place. The characters were fairly traced and distinct, but the scholars were all perplexed. It resembled no letters which any of them had ever seen. Aid was sought in various quarters in vain. At last, however, it was discovered that the hieroglyphics were Irish.

The change in the Territorial scheme was peculiar. The Ordinance of 1787 had provided for a council, but only as an upper house or senate, and the functions of the Michigan Council were both legislative and executive. Under that instrument the judges were always to hold during good behavior. It is evident that one object of the change was to get rid of some of the judges. When the appointments were made, Judge Withereil was re-appointed, it is said that Judge Griffin declined a nomination, and Judge Woodward was left out altogether. Judge Witherell was made presiding judge, and Solomon Sibley and John Hunt associate justices. Both of these gentlemen were members of the Detroit Bar. Judge Hunt died in 1827, and the vacancy was filled by the appointment of Henry Chipman, who, although a native of Vermont, had practised several years in South Carolina, and had recently removed to Detroit. He was a lifelong intimate friend and admirer of James L. Petigru of South Carolina, whose fearless patriotism under the most trying circumstances has made his memory honorable.

Judge Chipman died but a few years since, leaving a good name and spotless reputation. Judge Woodward was, soon after the accession of Mr. Adams, appointed one of the Judges of Florida.

The Council was organized in June, 1824, by appointing Abraham Edwards President, and John P. Sheldon Clerk. Its first business being to provide for obtaining the funds for its own payment, and for punishing all offences against its dignity, it then proceeded to enact a number of statutes, mostly of no present interest. The Supreme Court was required to hold sessions in several places instead of one. Punishment by whipping was only to be ordered by two justices, but allowed for additional offences. Provision was made for an annual thanksgiving. The name of the Huron River of Lake St. Clair was changed to Clinton River, to avoid confusion, as there was a Huron River of Lake Erie in the southern part of Wayne County. Most of the laws were the usual routine legislation, carefully drawn and appropriate.

The year 1825 was one of much interest. The Erie Canal made the journey to the west easy and economical, and the country began to settle very fast. Three steamers, the Superior, the Henry Clay, and the Pioneer, were running on Lake Erie before the season was over, and it was estimated that they landed at Detroit 300 passengers a week during the latter part of the season. A second paper—the Michigan Herald—was started in Detroit by Chipman & Seymour,



and a paper was also printed in Monroe. Six hundred people attended a Fourth of July meeting at Pontiac, and Washtenaw County contained three thousand inhabitants. Tecumseh was located and named this year. On the 25th of February, Congress adopted further legislation to popularize the affairs of the Territory. The Governor and Council were authorized to divide the Territory into townships and incorporate them, and to provide for the election of township officers. All county officers were to be elected, except judges, sheriffs, clerks, judges of probate and justices of the peace. These were excepted because their functions were in no sense representative, but belonged to the administration of justice, which was of public and not of local concern. Governor Cass, in his desire to consult the popular wishes, overlooked this principle, and practically annulled the proviso in the act of Congress which forbade their election, by informing the people of the townships and counties that he would appoint any one whom they elected. There is now much difference of opinion concerning the propriety of electing the officers of justice, but at that time there was none, and Congress would not have sanctioned it.

The number of councillors was increased to thirteen, and an appeal was granted from the Territorial Court to the Supreme Court of the United States.

In 1825, Captain John Burtis introduced upon the river at Detroit a large horse-boat, for ferri-

age to Sandwich, (now Windsor), which excited as much curiosity as the first steamer. This enterprising gentleman a few years later was also the first to introduce a steam ferry-boat, named the *Argo*, long famous in that region. It was composed of a gigantic dug-out, decked over, and propelled by an engine of moderate power, and monopolized the business several years.

About this time rumors were circulated that several of the captives taken at Frenchtown were still among the Indians. Governor Cass examined carefully into the facts, and published a letter stating that there was no reason to believe this, as the captives were all grown up and old enough when taken to know their origin, and would have been discovered long before if living. He said there were no captives left in the woods, who were not voluntary associates of the Indians, and that he knew of but two white men in that condition—Tanner,<sup>1</sup> and George Johnston, both of whom preferred it.

In 1826, General Cass and Colonel McKenney made a tour to the head of Lake Superior in canoes, to make treaties with the northern Indians, and to secure access to the Lake Superior

<sup>1</sup> This Tanner was a somewhat dangerous character, who lived in the Lake Superior country, near the Sault. In 1830, it was found necessary to pass a special act to protect his daughter, Martha Tanner, from her father, which made it a misdemeanor for him to use any but legal means to get her into his control, against her will. This is probably the only law ever passed which attached criminal consequences to injuries to a single private person. Tanner was suspected of the subsequent murder of James L. Schoolcraft, and disappeared at that time from the Sault.

mines. Colonel McKenney published a very entertaining narrative of his expedition. On the 5th of August they signed a treaty at Fond du Lac, whereby the United States were allowed to search for and remove metals or minerals, but not to gain title to the lands. Annuities were given to the Chippewas for support and education. They came back from Fond du Lac to Detroit by canoe in twenty-two days—making over fifty miles a day—a very remarkable journey.

An additional grant was made to the University of a township of land, on the 20th of May, 1826, and the two townships were allowed to be selected in parcels, instead of in whole township tracts. Several roads were also projected by Congress in this and subsequent years, mostly running from the eastern border of the Territory into the interior. The principal government roads ran between Detroit and Maumee, Fort Gratiot, Saginaw, Grand River and towards Chicago. These not only opened the country but drew in many laborers and contractors, who became valuable citizens. The completion of the first locomotive in America at Hoboken, by Mr. Stevens, is an event of this period concerning Michigan as well as the rest of the country.

The fort at Detroit was left without troops, and in the next year (1827) was discontinued as a fortified post. Some apprehensions were felt about the Indians, but they were groundless. No disturbance occurred afterwards which the local

authorities could not put down. The militia were still kept in tolerable training, and had officers who had seen service. There were also some well drilled bodies of uniformed volunteers. After the policy was definitely adopted of discontinuing the military occupation, the large military reserve was relinquished to the City of Detroit, and laid out into city lots, on a rectangular plan, and not according to Woodward's scheme.

The principal local excitement was the arrest and imprisonment, in 1826, of Kishkaukon, the turbulent Saginaw chief, who aided and abetted Big Beaver in the murder of another chief, Wawasson, at Detroit. Kishkaukon was furnished with poison by one of his wives, and thus evaded punishment.

This year seven steamers ran between Buffalo and Detroit. The exports of whitefish began to be large, as well as of cider and apples. It is also noted that in the winter oysters were brought to Detroit, "in good condition," and oyster cellars became among the institutions of the city.

In 1827, Congress allowed the people to choose thirteen Councilmen for themselves, instead of reporting twenty-six to the President and Senate for selection. The Council abolished the county commissioner system for a board of supervisors, and required every township to support schools, either English, or English and classical, according to population. This severed the schools from the University control. A revision of the statutes

was also adopted, which very wisely abolished all laws not contained in it. This became necessary from the number of unpublished laws that were not to be discovered among the records, but had been lost. A new law to prevent kidnapping was connected with a discreditable provision requiring all persons of color to find sureties for their good behavior. This statute was not enforced, but remained a dead letter until, several years after, a riot arose and an attempt was made to destroy the jail, on account of the arrest of a fugitive slave. In the excitement this law was called into requisition, and for a time most of the few colored people of Detroit remained in Canada. But public sentiment would not tolerate it, and it was at once repealed.

This year the first export of flour took place. Miller & Jermain of Monroe shipped 200 barrels to the east. Tobacco was also raised largely, and the next year 100 hogsheads of Michigan tobacco arrived at Baltimore, other parcels having been sold elsewhere. In 1828, Judge Witherell was made Secretary of the Territory, and William Woodbridge was appointed to the Supreme Court with Judges Sibley and Chipman. During this year much feeling arose out of a contempt case against John P. Sheldon, for publications in the Detroit Gazette, which were claimed to be unauthorized comments on some action of Judge Woodbridge in the Supreme Court. In some of the articles it was intimated that the paper had

driven away one court and might do the same to another. Judges Woodbridge and Chipman, on a hearing before them, held him guilty and fined him. A popular assembly passed strong resolutions against the proceeding, and the fine was paid by subscription. The controversy involves the feelings of too many living persons to be fully discussed here. \* It became very widely known, and was the subject of much comment by the press in various parts of the country.

In 1830, the first railroad was chartered. The "Pontiac and Detroit Railway Company" was incorporated, with power to use a part of the line of the turnpike. The project failed, and the law was very crude and imperfect. In 1832, the Detroit and St. Joseph Railroad was chartered, which afterwards became the Michigan Central—the State having bought out the company. This was the first charter that was afterwards acted on.

In 1830, the country was greatly excited over the French Revolution of July. The recent visit of La Fayette had rekindled the old American interest in France, and the news of that movement, in which he took so great a part, was received with rejoicing. A public meeting was held in Detroit, in which all the citizens participated, decked with the tri-color, and addresses were made with enthusiasm.

Mr. De Tocqueville arrived in Detroit early in the summer, and the news of the Revolution

reached him in the woods between Detroit and Saginaw.

The Territory now began to feel the effect of general politics which had never before seriously interfered. Major Rowland was removed from the office of marshal, John L. Leib being placed in his room. General John T. Mason, a non-resident, was appointed Secretary of the Territory, which made him acting Governor in the Governor's absence, although he had obtained no personal knowledge of the country. It is well known that at this time there were very loose party ties, as the people were in an unsettled state, and remained so until the separation into Whigs and Democrats shortly after. But removals from office became very frequent.

The want of harmony in General Jackson's Cabinet, which did not arise from political so much as from personal difficulties, led to its dissolution, in April, 1831. The office of Secretary of War, having first been offered to Hugh L. White of Tennessee, was given to General Cass, who accepted it, and left Detroit in the spring.

He was much respected by men of all parties in Michigan. He had held his office six terms, under Madison, Monroe, Adams and Jackson, and had acted throughout with spirit and dignity. His administration was eminently popular, and he desired and endeavored to secure to the people, as soon as possible, all the privileges of self-govern-

ment. If he erred in this respect, it was an error in the direction of the largest popular authority. His views were broad and sagacious, and he was very free from personal bitterness and malignity. The inevitable asperities of politics exposed him in later years to the attacks made on all public men, and his course in national affairs has been severely assailed and warmly defended. But no one now has any doubts about his sincere and unqualified patriotism. He was a brave defender and a true lover of his country.

The social condition of the Territory was remarkably pleasant during his residence as Governor. The persons who came westward in those days were principally Americans of enterprise and intelligence. The schools and all other means of improvement were carefully fostered, and it is not often that a more cultivated or genial society is found anywhere.

One pleasant feature of life in such communities as the early border towns of the west, was the cordiality and freedom from stiffness which produced as near an approach to republican simplicity and equality as is ever found anywhere. With no lack of comfort and elegance, there was an entire absence of ostentation. Strangers were often surprised and amused at one custom which the inhabitants found both pleasant and profitable. Sidewalks and paved streets were alike unknown, and the condition of the city ways was for several months in the year only equalled by the



country roads described by Macaulay, when the coach and four was used from necessity and not from pride. In winter, the streets and rivers were merry with carioles and sleighs. But at all seasons, the favorite family vehicle for safe carriage to church or party, was a common one-horse cart, used as well for the most homely purposes as to supply the place of a coach. The rude box, cushioned with hay and buffalo robes, and crowded with as many laughing inmates as could find room on its spacious floor, was absolutely safe from upsetting, and the absence of springs was usually compensated by a yielding bed of mud, so that jolting was not felt. This strong two-wheeled vehicle was backed up to the place of entry or destination; and on all occasions of public worship, or other concourse, a row of carts would be found awaiting the hour of dismissal. The only chance of accident was from the loosening of the staple which held down the box in front, and was meant to be unbolted when a load other than human was to be tipped out at the back. It occasionally happened that a mischievous urchin would produce this catastrophe to a cart-full of people, but never with tragical results. Carts were not wholly superseded by carriages in Detroit until within a quarter of a century.

The long winters, during which they were shut in by themselves, compelled them to draw on their own resources. Literary and scientific societies and reunions were established very early,

and all who had anything to contribute to the general enjoyment gave it cheerfully. A lyceum was organized in the early days of the Territory, in which papers were read by men of thorough scholarship and research. Many important contributions to history were thus secured. At one time or another most of the prominent army officers have been stationed at Detroit, and always did their share. Among other things they organized a Thespian Corps of much dramatic excellence, in which the now venerable and not Lilliputian General James Watson Webb performed as a graceful *brunette*. Major (afterwards General) Henry Whiting, an elegant writer, (author of *Ontwa* and *Sanilac*, and minor poems, not now in print, and editor of an important series of Washington papers,) read various essays before the lyceum and elsewhere. Major John Biddle, Major Thomas Rowland, Henry R. Schoolcraft and General Cass, were also valued and ready contributors. Major Rowland is said to have written the Joel Downing papers, a series of humorous political satires, after the style of Major Jack Downing's letters. Mr. Charles C. Trowbridge rendered permanent service to history by securing narratives from eye-witnesses of the Pontiac war, as well as other matters of interest. These gentlemen, with others of like tastes, organized the State Historical Society; and the published sketches of General Cass, Major Whiting, Major Biddle and Mr. Schoolcraft remain the best sy-

nopsis of our history that has ever yet been prepared. Doctor Douglass Houghton was first made known to Michigan by having been secured by a number of Detroit citizens, in 1829, to deliver a winter course of lectures on chemistry. He was obliged to remain through the whole season for that purpose, and, although then but twenty years of age, made so favorable an impression, and was so favorably impressed, that he was placed upon the second commission to seek the sources of the Mississippi, and after his return became a permanent resident of Detroit. It is worthy of remark that when General Cass made his first visit to Detroit on his return from his mission to the Court of Louis Philippe, Doctor Houghton, as Mayor of Detroit, delivered the address of welcome; and when, in the fall of 1845, the melancholy news was received of the death of that eminent devotee of science, the meeting which was called to express the sense of public bereavement was addressed by General Cass, as principal speaker, and his remarks were a feeling and eloquent tribute to one whom he had loved and admired ever since he had known him.

The Governor did not lose his concern in the affairs of the Territory. He continued to use his influence to further its prosperity; and while he remained in the United States, he was useful in many ways to the public interests of Michigan.

• But the end of her pupilage was approaching. And, in order that the sense of independence

might not come too early, her destinies were for a time entrusted to the care of strangers, most of whom became, however, in due time, very loyal citizens of their new realm.

## CHAPTER XIV.

### LAST YEARS OF THE TERRITORY.

THE Territory now had a population of more than thirty thousand, and its people were increasing very fast. Every boat from the east brought in large loads of immigrants, most of whom remained in Michigan. The movement to the country west of Lake Michigan came a little later, and Chicago was not yet laid out as a town, although it was a post of some consequence.

The laws, although reasonably stable for so young a commonwealth, had been subject to some fluctuations since the formation of the Council. These changes related mostly to the method of conducting local business and to courts. The system of county courts by degrees gave way to the circuit system, which in one form or another has since prevailed. The county system was altered. Beginning with the county court, which for administrative purposes answered to the quarter sessions, it changed first to the county commissioner plan, borrowed from Massachusetts, and then to the board of supervisors, derived from

New York. After the State came into existence there were further changes.

The settlement of most of the more important townships and villages was very fortunate. In a great many instances neighborhoods were settled by small colonies from the Eastern States and New York, who came in sufficient numbers to give harmonious character to their new homes, and maintain wholesome and agreeable social surroundings. The transition from an old to a new country became less trying, and the newly broken wilderness was brightened by familiar associations. The effect of these united movements is still visible, and there are many old towns and townships that keep the peculiar characteristics which marked them forty and fifty years ago. There are not many parts of the United States where, with a full measure of enterprise, there are such plain evidences of their American antecedents. The growth of these colonies has drawn largely from the places whence they emigrated. Those coming west are always glad to find old friends and neighbors, or their kindred, and naturally prefer to cast their lot among them to settling among entire strangers. When the immigration from Europe began to reach large proportions, a great part of it passed further on; and the growth of Michigan was chiefly made up of such as chose a country resembling the wooded lands to which they were accustomed, with a society where they would feel at home, to the prairies which were so inviting to

many Europeans, and a class of inhabitants with whom it would take them some years to become familiar. The increase of population was rapid enough to indicate life and prosperity. It has usually been gradual enough to enable those who came in from any quarter to settle down into the common ways, instead of forming separate clannish communities, of alien manners and sympathies.

It was evident to all that the time could not be far distant when Michigan must become a State. As this time drew near, it was natural that the people of the Territory should begin to look upon the management of public affairs as fairly belonging to them; and to prepare as far as possible to make the change of rule free from disturbance or abruptness. The southern boundary had been tampered with, and there were difficulties in prospect from that source. The increase of removals from office made them daily conscious that as yet their wishes were to have no weight in the guidance of their most important affairs. The people who had joined their fortunes to the Territory were entirely passed by in the chief executive appointments, and almost entirely in some others. In some instances the appointments, and the removals which they followed, were occasions of much bitterness.

When General Cass was nominated as Secretary of War, he was—though not by his own procurement,—announced as Lewis Cass of *Ohio*. This was criticised by the press, and defended on

the ground that a Territorial officer was like a military officer, merely detailed on service which did not gain him a residence. As the Ordinance of 1787 expressly required the Governor, Judges and Secretary, to reside in the Territory, and to be freeholders there, and as General Cass had in good faith made Michigan his home and the centre of all his interests, this theory was not quite satisfactory, and was not made any more so by the practical application which regarded the people as subjects rather than citizens, and supplied them with a foreign government. These abuses have now become apparently the normal conditions of Territorial existence. They had not then been so universally recognized, as not to be regarded as unpleasant reminders of praetorian authority. The personal worth of such officers may prevent misgovernment, but the system is in violation of free principles; and however proper it may be while there is no considerable population, and no choice of fit persons for office, it is not adapted to communities which are populous, and as well informed on their own affairs, and as capable of furnishing competent officers, as any of the States.

General Cass having resigned his Territorial office, General John T. Mason became acting Governor. But his interests or duties called him elsewhere, and, for reasons that seem to have been confidential, he found it important to make a journey to Mexico, probably on a secret mission of some kind, where he was more or less concerned



in the events which led to the separation of Texas. He was permitted to resign the Secretaryship in favor of his son, Stevens Thomson Mason, appointed as from Kentucky. This gentleman received his commission during a recess of the Senate, and was sworn in on the 25th of July, 1831.

The office of Governor was not at once filled, probably from reluctance on the part of some persons to accept an office which was likely to be of short duration. Major John H. Eaton, the recently retired Secretary of War, was commonly supposed likely to receive the appointment. He was soon made Governor of Florida, instead. In August, the name of George B. Porter, of Lancaster, Pennsylvania, was sent to the Senate, and the nomination confirmed. Governor Porter was a lawyer of ability, and had but a few months before been made United States Marshal of Eastern Pennsylvania. He at once removed to Detroit with his family, and adopted Michigan as his future home.

News of the probable appointment of Mr. Mason as Secretary was received in Detroit on the 23rd of July. As he had not yet reached his majority, and was only slightly known to the citizens as a pleasant and promising youth, his selection to perform the chief executive functions of the Territory was not received with favor. A meeting of citizens was held, presided over by Colonel David C. McKinstry, an active friend of

the administration; and a committee was appointed to ascertain the facts, which was composed of Messrs. McKinstry, Andrew Mack, Shubael Conant, Oliver Newberry and John E. Schwarz. The meeting having been held on Saturday night, they waited on Mr. Mason (who had just returned from Washington) on Monday, and learned from him that he had that day received his commission and qualified,—that his age was as had been represented, and that the President had appointed him with full knowledge of the circumstances. They reported accordingly to an adjourned meeting on Monday evening, and a further committee was appointed, (consisting of Eurotas P. Hastings, Henry S. Cole, D. C. McKinstry, Oliver Newberry and Alexander D. Fraser) to prepare resolutions and a memorial to the President for his removal, to be signed by the meeting and circulated in the Territory. The resolutions were confined to the illegality and impropriety of appointing a minor to such a position, which was declared to be “a violation of the principles of our fundamental law, and of the genius and spirit of the constitution; and in the highest degree derogatory to the freemen over whom he is thus attempted to be placed;” and declared that “we hold it to be our duty to take prompt measures with a view to his removal from that office.”

The proceedings of this meeting, and the memorial, produced much comment in the leading journals of the country; and the propriety of the

appointment was not maintained, but it was claimed by the *Globe*—(then the official organ)—that having been appointed, he should not be removed except for actual misconduct. As many removals had been recently made without cause of that kind, the argument was not conclusive, and it did not touch the point of minority. He was not removed, but, toward the end of the next session of the Senate, he was nominated and confirmed, in July or August, 1832, when he had barely reached his majority.

The appointment and arrival of Governor Porter rendered the position less anomalous, and the frank and gentlemanly reply of Mr. Mason to the action of the meeting did much to disarm criticism, and awaken kind feeling. His conduct had never been arrogant, and while he had his share of the youthful qualities which, though not discreditable, are nevertheless not entirely suited to great public responsibilities, he was manly and generous, and very well adapted to obtain sympathy. He intimated in his reply that a young man would be more ready to accept the guidance of his elders than one of riper age. It was not very long before he had mentors enough; and among his most devoted adherents were some of his early critics. His public career, when the burdens of state again fell upon him, was for a considerable time very popular, and he never lost his personal popularity. He died young, and he is remembered very kindly.

It often happens that when party issues are obscure, and personal questions prevail, there is much less restraint in controversy than when men are occupied with serious political problems. While Mr. Mason paid proper respect to his more experienced advisers, his companions of the same age naturally gathered about him, and became demonstrative. There were many things which were more or less exciting to older politicians, and there has never been a time in Michigan when there were so many personal quarrels and rencounters on political and semi-political grounds. The use of weapons in private disputes has never been approved in this community, but for a year or two there were affrays altogether too frequent, in which more or less blood was shed in a small way, but, fortunately or unfortunately, with no fatal results. Such ebullitions do not last long. People very soon discover that men may differ from them without being totally depraved, and learn to live in charity, or at least in tolerance. And while the disputes on national questions were very bitter for several years, the interests of the Territory were more pressing, and upon these there was something approaching unanimity.

Governor Porter is not known to have incurred any political or personal enmity. He was an able man of good feeling and popular manners, with a considerable knowledge of agricultural as well as public affairs. He took that interest in the Territory which might be expected of one who in-

tended to remain in it. He was, among other things, very active in encouraging the improvement of stock, and some of the best animals in the State are descended from those he introduced. He did not remain in office long enough to accomplish very much, but his administration was judicious, and creditable, and his death was sincerely regretted as a public loss.

The year 1831 passed without much that is deserving of record, beyond the removals and appointments, which operated here as they did elsewhere, and are of no present importance. In the spring of the year, a resolution was passed by the Council, authorizing the Governor to negotiate with Ohio to adjust the boundary line on the basis of a cession of all east of the Maumee, for an equivalent westward. Nothing seems to have come of this proposition. It had not yet been supposed there was any grave doubt about the rights of Michigan in the lands afterwards disputed. Roads were laid out and other improvements contemplated, and the future storm was not visible.

The county seats of Hillsdale, Kalamazoo, Saginaw, Lapeer and Jackson were located this year. That of the latter county was first named with the imposing title of Jacksonopolis. A year or two after it was Anglicised into Jacksonburgh. Its next metamorphosis was into its present shape of Jackson, where it will probably remain. The early statute books contain many ambitious names which

have one by one disappeared, until the State is reasonably free from the ridiculous titles that once adorned its paper cities, whose ambitious clapboard palaces, erected in an unbroken wilderness, were never inhabited, and have ceased to surprise the straggling explorer of their deserted avenues.

On the 10th day of May, 1831, John Trumbull died at Detroit at the advanced age of 82. He had not lived in the Territory more than six or seven years—having come out to pass the remainder of his days with his daughter, the wife of Judge William Woodbridge. Judge Trumbull was a prominent and honored citizen during the American Revolution, as well as afterwards, and his poem of *McFingal* was one of those well-timed and well-written satires which sometimes perform an important part in public emergencies. It was a very felicitous sketch, which became instantly popular, and produced as marked an effect in the United States as *Hudibras* did in England. It is one of those productions which are valuable, not only for their keen satire and amusing hits, but for their preservation of past manners and ways, which are seldom depicted by grave writers, yet are necessary to the comprehension of both law and history. American literature is not rich in those unstudied productions which might place us in the same familiar relations with the olden time in this country, which we are enabled to enjoy with the days of Pepys, and Boswell, and Alexander Carlyle, and Horace Walpole. Judge

Trumbull was not without distinction in various public offices, but as an early writer, thoroughly American in all things, and possessing both learning and genius, he is entitled to honored remembrance. His placid and kindly face was not known to many of this generation, but he ought not to be forgotten by the citizens of his latest home.

In 1832, Judges Woodbridge and Chipman were superseded by George Morell of New York, and Ross Wilkins of Pennsylvania. Both of these gentlemen were prominent in judicial life after the State was admitted into the Union, as well as during the Territory, and their reputation is familiar to all our people. They were very important and active agents in the development of our jurisprudence.

On the 29th of June, 1832, a statute was passed to call an election on the first Tuesday of October, to determine "whether it be expedient for the people of this Territory to form a State government." At this election all free white male inhabitants of the age of twenty-one years were allowed to vote. The result of the election was a very decisive expression in favor of the change.

In the early spring of this year, Black Hawk, a Sac chief who had moved beyond the Mississippi, and by repeated conventions had agreed to stay there, came across the river with a band of Sacs and Foxes, and committed depredations in

northern Illinois, and southern Wisconsin, which was then in the Territory of Michigan. The Governor of Illinois sent up a force under General Whiteside, who left Beardstown on the 27th of April, with 1,800 men, for the mouth of Rock River. General Atkinson moved up from St. Louis early in April, with a force of regulars. Colonel Henry Dodge of Michigan raised a force of Territorial volunteers, and rendered very important services, having taken measures to prevent mischief from the Winnebagoes and other doubtful Michigan Indians, and then entered vigorously upon a decisive campaign. Many sharp fights took place during the spring and summer, and on the 2d of August the last battle was fought, in which Colonel Dodge and Colonel Zachary Taylor, afterwards President of the United States, had command in the advance, and the Indian force was nearly annihilated. Black Hawk was held as a prisoner for several months, being last confined in Fortress Monroe. He was, in June, 1833, taken out of that fort, and escorted through the principal towns back to the Mississippi; and during the remaining seven years of his life he behaved himself with propriety, and made no further trouble. The officer who first took him down the river to Jefferson barracks was then known as Lieutenant Jefferson Davis, of the United States Army. Although intelligent, and having some causes of grievance, Black Hawk was not one of the best types of Indians. The Sacs and Foxes



had a bad reputation when the French first came to Detroit, and they never lost it. Black Hawk's own story shows him to have been very treacherous. He was an old man of 65 when this last Indian war broke out, and was in the British interest as long as they provided for him. He seems to have had an idea that the British government would help him. He had never kept informed of the American settlement of Michigan, and nothing surprised him more than the changes in Detroit and the other settlements, with which he had been familiar during the war of 1812. He had not learned before that Malden had ceased to plague the Northwest.

The losses of men by the casualties of battle in the Black Hawk war were not so great as might have been feared. There was, however, a worse enemy than the Indians, and the ravages of the Asiatic cholera were fearful. This dreadful disease did not reach many of the troops while in the field, near the seat of war. But it intercepted them on the way, and broke up a part of the expeditions sent out from the seaboard.

The coming of the cholera had been expected, as it had been making its way steadily westward from Asia for many months. The Michigan Legislative Council passed laws early in the summer, for the proper organization of boards of health, and had given large powers to the municipal bodies. But while cleanliness was known to be essential, no remedies had yet been discovered to

check or cure the disease; and while the physicians were diligently studying how to meet it, all manner of nostrums and preventives were resorted to by the terrified people. It reached Detroit before midsummer, and at once the large body of laboring people, who had nothing to keep them in the city, fled into the country, with exaggerated stories of horrors, which were bad enough at the best. Many citizens were attacked by the cholera in a severe form, and a large share of them died. A church building was converted into a hospital, and all was done which could be to mitigate the sufferings of the victims. Business was hardly thought of. The air, whether really or in fancy, appeared unusually oppressive; and at nightfall, at the street crossings and all along the public ways, as well as at private houses, great kettles of burning pitch blazed, and threw up dark columns of smoke late into the night. The customary solemnities of burial were shortened, and sometimes neglected. A rigid quarantine intercepted the ordinary course of travel. But the omission which at first was most noted, was that of the tolling of the bell. A custom had prevailed for a long time of ringing the *passing bell*, immediately after the death of any person in the town. The buildings were mostly within a small compass, and the bell of the First Protestant Society, which was used for all public purposes, could be distinctly heard everywhere. In such small communities the death of any one interests the feelings

of all; and the tolling which announced that some one had just departed, was always heard with solemn emotions. But when the victims of the cholera began to multiply, the frequency of these knells added to the general panic, and it became necessary to discontinue them. The custom once broken was not renewed, and was soon forgotten.

A considerable force of United States troops was ordered to the seat of war, and they were all sent up by steamboats from Buffalo, bound for Chicago. These detachments reached Detroit early in July. The Michigan volunteers from Detroit had left before the cholera became fatal, and marched across the country; but their services were not required, and the orders were countermanded before they reached Lake Michigan. Colonel Garry Spencer's cavalry troop had marched beyond the St. Joseph's River, but the infantry had not gone very far before they were recalled. The first detachment of regulars, consisting of 220 men, accompanied by Major General Winfield Scott, went up on the steamboat Sheldon Thompson. When she left Chicago on the return trip, one officer and 51 men had died, and 80 were sick. General Scott and several other officers had mild attacks of the cholera, but soon recovered.

On the 8th of July it was known in Detroit that of 370 who had gone up after General Scott's party, under Colonel Twiggs, and had been

compelled to land below Fort Gratiot, only 150 remained—a large number having died of cholera and the rest deserted. Very few of these panic-stricken wretches reached Detroit. Most of them died in the woods and on the road, and of these many were devoured by wolves and other beasts. A third detachment, under Colonel Cummings, had at first encamped at Detroit, where several died. The survivors were embarked on the William Penn, but in a short time were compelled to return. They were put in camp again at Springwells, and there was afterwards comparatively little mortality among them. It was reckoned that more than half of the aggregate commands were swept away. Of six companies that left Fortress Monroe, but 180 men returned; and the losses among others were in similar proportion.

Among the more prominent citizens who died during this summer, were Father Gabriel Richard, and General Charles Larned,—a distinguished lawyer, who had been Attorney General of the Territory. Jacob M. Howard, and Franklin Sawyer, (afterwards Superintendent of Public Instruction,) were students in his office.

On the 28th of June, 1834, all the territory west of the Mississippi River and north of Missouri, as far as the Missouri and White Earth Rivers, was attached to, and made a part of the Territory of Michigan. The Legislative Council was also authorized to hold an extra session, on

the call of the Governor. The necessity of this arose from the annexation.

On the 5th of July, Governor Porter died of cholera, which was during that summer very fatal. Seven per cent of the population of Detroit died in a single month. His funeral services were celebrated in the Capitol, and were attended by a very large concourse of people, who held him in great respect. His death would have been a loss to the Territory at any time, and it was at this time especially lamentable, as the public affairs soon became critical, and would have been all the better for his good sense and prudence.

The Council was called together by Acting Governor Mason in September. The western territory was set off into the Counties of Dubuque and Des Moines, and put in the same circuit with the County of Iowa, east of the Mississippi. A law was passed for taking a census of the Territory. Provision was also made for appointing boundary commissioners, to adjust the southern boundaries with Ohio, Indiana and Illinois. Nothing came of this latter project.

Governor Porter's place was never filled. General Jackson sent to the Senate for confirmation the name of Henry D. Gilpin. This nomination was rejected. The President and Senate were not at this time in full accord, and Mr. Gilpin was obnoxious as having been connected with some of the matters which had given rise to the difficulty. This arose chiefly from the appoint-

ment of Roger B. Taney as Secretary of the Treasury, and his removal of the public deposits from the United States Bank, which led to resolutions of censure on the part of the Senate, and to a new political organization and the merging of the old parties. Mr. Taney's nomination was held over by the President until the end of the session, when he was rejected at once. General Jackson made no further nomination after Mr. Gilpin's rejection. Afterwards he had entertained the idea of filling the vacancy by an appointment during the recess. Finding this could not be done, he left Secretary Mason in charge of the executive department of the Territory, until he became dissatisfied with his course during the period before the establishment of the State government. As this occurred but a few weeks before Governor Mason was elected and assumed office under the State, it was too late to be anything but a source of some trouble to the estimable—but imprudent—gentleman who last undertook to govern Michigan as a Territory.

The census, which was completed before the adjournment of the Council, showed that, within the boundaries of the original Territory of Michigan, there were 87,273 free inhabitants. This was an increase of 61,768 beyond the 26,505 reported by the census of 1830. More people had come into Michigan in four years than the 60,000 which entitled her to become a State. This did not include the large immigration west of Lake

Michigan, whereby Wisconsin had already obtained a population which would give her, if a Territory, the right to a complete popular legislature. The Legislative Council of Michigan, in December, 1834, memorialized Congress upon the subject of establishing a Territorial government for Wisconsin. This had been mooted for some time, and "Huron" Territory had been the very inappropriate name before suggested for it. The Hurons had not lived there, and Lake Huron did not touch it. The name finally selected was appropriate and satisfactory. Nothing was done by Congress to set apart this Territory until Michigan was ready for admission, when Wisconsin was set off, and her new career of independence began on the 4th of July, 1836. But the last delegate to Congress from Michigan Territory, George W. Jones, had been purposely allowed to be chosen from Wisconsin; and the Michigan authorities had done all in their power to advance the admission of that region as a separate Territory.

On the 26th of January, 1835, an act was passed, which, after reciting the act of 1805, whereby the territory north of an east and west line, running from the southerly bend of Lake Michigan to Lake Erie, was set off as the Territory of Michigan, and the people, whenever there should be 60,000 free inhabitants, were authorized to form a permanent constitution and organize as a State, appointed an election of delegates to form a convention to adopt a constitution and State

government. The election was to be held on Saturday, April 4, 1835; and the convention was to meet at Detroit, on the second Monday of May. The delegates were to be adult citizens of the United States, and the voters adult free white male inhabitants. The inhabitants of the strip of land attached to Indiana were allowed to vote in the districts and counties immediately north of them. This Indiana strip had never been included in the organized counties of Michigan, and the Council disclaimed any design to assume control over it, until their rights could be adjudicated.

Up to this time Michigan had been in peaceable possession of the country east of Indiana, and north of the latitude of the southern point of Lake Michigan, as surveyed in 1818, and the authority of Ohio had not been in force there. It had been included in 1827 in the Township of Port Lawrence, laid out at the same time with the earliest township divisions in the rest of the Territory. The first act laying out Territorial roads, in 1828, had established such a road from Port Lawrence, through Adrian, in Lenawee County, to intersect the Chicago Road, and the authorities had surveyed and laid it out, and opened it, at the expense of the Territory. The Erie and Kalamazoo Railroad was chartered in 1833, from Port Lawrence to Adrian, and thence to the Kalamazoo River; and the only authority whereby lands were obtained for its line was under the laws of Michigan.



In the beginning of this year, (1835,) Governor Lucas of Ohio sent in to the Legislature of that State a message asserting jurisdiction over the territory south of the mouth of Maumee Bay, and urging legislation to possess and control it. The Legislative Council of Michigan, upon receiving notice of this by a message from the acting Governor, passed an act on the 12th of February, 1835, "to prevent the exercise of foreign jurisdiction within the limits of the Territory of Michigan," whereby it was made highly penal for any one to accept or exercise any public office, in any part of the Territory, except by commission from the United States or from Michigan. On the 23rd of February, the Ohio Legislature passed a series of acts and resolutions, asserting jurisdiction over the land in question, declaring that measures should be taken by all the departments of the State government to establish it; extending organized counties so as to cover it, and directing commissioners to run the boundary line; and requiring all public officers to extend their authority over it. Governor Lucas at once notified the county officers to exercise their functions, and the major general under whose command the new districts were placed to enrol the inhabitants in the militia; and he determined to attend the spring elections in person, to see to the complete re-organization, and appointed commissioners to meet him at Perrysburgh, on the 1st of April, to run the line. The Territorial authorities brought the mat-

ter to the attention of the President. Congress had adjourned without passing an act giving the land to Ohio, which had been sought by Ohio but had failed at two recent successive sessions. Governor Mason ordered General Joseph W. Brown, commanding the Michigan militia, to hold himself in readiness to resist any attempt of Ohio to carry out the threatened measures; and the Council appropriated money to enable the executive to enforce the laws of the Territory. The Michigan authorities used such force as was necessary, to repel intrusion and arrest offenders against the law, and the difficulties became very menacing. The Attorney General of the United States, Benjamin F. Butler, (of New York,) decided that the Michigan authorities were in the right, and such was the view of the President and his advisers; but Messrs. Rush and Howard were sent out as commissioners, to conciliate matters if possible. It was afterwards claimed by Governor Lucas, but denied at Washington, that these gentlemen had made an agreement that the Ohio line should be run as claimed, and the people be allowed to follow their individual predilections as to which government they would obey, until the close of the next session of Congress. It never was pretended that the Michigan authorities consented to this; and if the commissioners had possessed any authority, which the Secretary of State expressly denied had been attempted to be bestowed on them, — such an arrangement as the latter,

which practically would be anarchy, would have been at least very unlikely. The Michigan authorities did not accept or act on such an arrangement, and proceeded to arrest offenders, as before, including a portion of the party of the Ohio survey commissioners. Governor Lucas called an extra session of the Legislature of Ohio, and they passed a statute agreeing to the terms as he asserted them of the United States commissioners, provided the United States would compel Michigan to respect them, — otherwise, directing that the Ohio laws should be carried out; and they appropriated \$300,000 for that purpose. The Governor, on the 18th of June, sent in a second message enclosing a sharp correspondence with Washington, in which the acting Secretary of State denied the correctness of the Governor's understanding of the views of the commissioners and of the President, and intimated that the latter might find it necessary to interfere with the power of the United States, if Ohio persisted in running the line with an armed escort. Governor Lucas afterwards sent commissioners to Washington, and it was there understood that General Jackson would recommend the Michigan authorities to avoid any unnecessary violence. For a time things remained quiet, with an occasional difficulty, but no general interference.

The Legislature of Ohio had, at the latest session, undertaken to organize a new county named Lucas county, covering the seat of difficulty,

and it was understood that it was intended to open court at Toledo on the 7th of September, and that levies of troops had been made to protect the judges in so doing. Governor Mason thereupon ordered out the Michigan forces, and took possession of Toledo, accompanying the troops in person. It is said, but on doubtful authority, that the court was organized by night, and secretly, and immediately adjourned. No opposing forces were encountered by Governor Mason; and the Michigan levies were led back over the line, and disbanded at their various points of rendezvous. The feeling all over Michigan was intense, and it is fortunate there was no fatal bloodshed.

Many of the reminiscences of the campaign partake of the ludicrous. It is not desirable to record the personal incidents and misadventures which our troops reported as having befallen themselves and some of their civil adversaries. Michigan had a skeleton in her own closet, in the shape of a "claim of Lewis E. Bailey for a horse lost in the service of the State, in defending the supremacy of the laws." Year after year, from 1836 to 1846, this claim was regularly presented and regularly rejected, until in the latter year it dawned upon the minds of the Legislature that it might be better to pay fifty dollars, and interest from January 1st, 1836, than to waste time and printing enough to cost more than a regiment of horses; and they surrendered to a siege that

paralleled in duration that of Troy. Time has healed the other griefs, and if the historian is compelled to discuss them, it is not with the pathetic lament of Queen Mary over the loss of Calais, nor the hankering for territory which has made Alsace-Lorraine a debatable ground so long. However doubtful the bargain was originally by which Ohio obtained the spoils, it has been ratified too thoroughly to be disputed; and our only present emulation is friendly and neighborly.

The history of the disputed boundary is not complicated. The Ordinance of 1787, which, as already pointed out, was not a mere statute—which the confederated Congress had no power to enact—was in itself a compact, and article of government, for a region over which Congress itself could not, as then organized, legislate directly at all. It had no ordinary legislative power, and reserved none; but, in pursuance of arrangements which had all the essentials of treaty obligations, defined certain limits for the temporary exercise of authority by a legislative board, until the population should reach 5,000 free male inhabitants, after which the legislative power of the Territory was absolute, subject only to certain specified restrictions necessary to justice. The time for organizing the Legislature was ascertained by the Territorial, and not by the Congressional, authorities, and it was expressly stipulated, as a perpetual compact, that while, as a matter of grace, the future States might be admitted with less than

60,000 inhabitants, each should be entitled to form a permanent constitution and State government, and be admitted into the Union as a matter of right, whenever it should have that number. It was not in any way intimated or implied that Congress should be first required to give permission, before the initial steps were taken. The ordinance itself gave this permission, as plainly as it did that for establishing a Territorial Legislature to supplant the Legislative Board. The only difficulty that could arise must have arisen out of the authority to create five, instead of three States. And this was the ground insisted upon by those who questioned the right of Michigan.

The perpetual compact provided for "not less than three, nor more than five, States;" and the three contemplated were formed by the indefinite continuation northward, to the national boundary line, of the present lines between Ohio and Indiana, and between Indiana and Illinois. These were subject to this proviso: "Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that if Congress shall thereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of *an east and west line drawn through the southerly bend or extreme of Lake Michigan*. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress

of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

This compact was declared to be perpetual. It was established when there was no expectation that any change would be made in the articles of confederation, which would give Congress any legislative power that could tamper with the Ordinance, or provide for governing Territories by direct Congressional interference.

The practical construction put upon it by the first Congress of the United States under the Constitution, was that it was unalterable. There were but two powers reserved to Congress by the Ordinance; one of them—the appointing power—being executive in its nature, and the other—the designation of States north of the latitude of the southern point of Lake Michigan—being one of those mixed powers which may be exercised by legislatures themselves, or delegated. By the Constitution of the United States the appointing power was made executive entirely; and the power of

admitting States was left Congressional. Instead of remodelling this Ordinance, the Congress of 1789 adopted this preamble: "*Whereas*, in order that the Ordinance of the United States in Congress assembled, for the government of the Territory Northwest of the River Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States. "Be it enacted," etc. The change made was in transferring the executive functions to the President and Senate, who under the Constitution had succeeded to that branch of the old powers of Congress. It is also to be remembered that the compact against change did not cover any but six specified articles of the Ordinance.

No subsequent act of Congress for the establishment of Territories, outside of the lands owned before the Constitution, has ever contained compacts beyond the recall of Congress; and it may be doubtful whether Congress could so stipulate. But no such doubt can exist concerning the Congress of the Confederation; and the Congress of 1789 evidently intended to respect their agreements.

The east and west line which was named in the Ordinance, was adopted without qualification. The suggestion of Mr. Binney that it was indefinite, because it has no named terminus, would hardly have been made on sober reflection. It is as definite as any boundary line could be made



for dividing northern from southern jurisdiction; and is simply a parallel of latitude, which extends wherever there is any territory to bound. It is a mere assumption to claim that the Congress of 1787 laid it out under a mistake, or intended to give the eastern State the entire southern shore of Lake Erie, or any specific part of it. It gave no lake privileges to either of the two others, which were quite as worthy of consideration. It is definite, and is not ambiguous. In a private contract no court could find it open to construction.

Whether Congress now has the abstract power to disregard and change such a stipulation, has ceased to be a practical question. In the case of the southern boundary of Michigan, it required the consent of the State to the change before admitting it, and thus precluded the discussion of the question before the courts. The main question at issue in 1835 was whether such a change had been attempted, and whether, if attempted, valid or invalid, it was in accordance with good faith. A nation may do many things lawfully which she cannot do honestly.

When the County of Wayne was first laid out, in 1796, it included all the disputed territory, and its southern line extended to the Cuyahoga River. When it was proposed to create the State of Ohio, this county was not consulted in the first instance; and if Judge Burnet is correct, the State was formed below the east and west line of the Ordinance for the very purpose of excluding

Wayne County, for fear it would change the political character intended to be given to the new State. By the act of Congress, which purported to give all inhabitants a right to vote for delegates to a convention, no one in Wayne County was allowed to vote, either in his own county or in any other district. It had not been ascertained that the territory included had 60,000 people, and the law allowing a State to be formed was matter of favor and not of right. The statute assumed the precise boundary of the Ordinance, until it struck Lake Erie, or the national boundary line. The delegates were elected to do precisely what this act called for; and their action was not referred back to the people for ratification. The act of Congress reserved the right to annex the country north of the line and of Ohio, to that State, or to organize one or more States there according to the Ordinance. No power was given to the Ohio convention to change the lines. That convention, however, having learned that the line mentioned in the Ordinance might probably run further south than was supposed, passed a resolution providing that, with the assent of Congress, the line should in that case be drawn from the south point of Lake Michigan to the north entrance cape of Maumee Bay.

No act or resolution was passed by Congress, for the express purpose of admitting the State, or approving its constitution. The members were allowed their seats in the two houses, like those

from other States; and the only laws passed assumed that the State had already become one of the United States by the act of its convention alone, under the terms of the enabling act of 1802.

When Michigan was organized as a Territory, the line of the Ordinance of 1787, and not that recommended by the Ohio convention, was adopted as the southern boundary. This was just two years after Ohio was admitted, and when her senators and representatives were able to represent her interests in Congress. Either they did not oppose the line, or their opposition was overruled. It is evident the Ordinance was still regarded as sacred.

This is all of the legislation of Congress recognizing or establishing boundaries. The debates in Congress in 1834 and 1835, as well as after the formation of the Constitution of Michigan, were very full, and several reports were made. It was held with almost absolute unanimity, that the disputed territory belonged to Michigan, until Congress should legislate further. Mr. Adams and others held the Ordinance was irrevocable, and beyond the power of Congress at all. Others, holding that Congress had power to give the land to Ohio, thought it policy to so grant it. Every one felt that unless Michigan consented, there was room for legal controversy. A Territory could not sue or be sued in the United States Supreme Court. A State could sue another State there; and it had been held in the very recent contro-

versy between New York and New Jersey, as it has been several times since, that boundary questions could be so litigated. It was only by acting before Michigan became a State, and by keeping her out until she surrendered her claims, that the matter could be put beyond doubt. Indiana and Illinois were as much interested as Ohio in foreclosing this future litigation; and Michigan was coerced into either giving up her claim, or being left where she could never litigate it. How this was done will appear presently.

If Congress lawfully possessed the power to change the boundaries, its decision would have been binding, although in violation of a very solemn contract. Had it been made without the extorted consent of Michigan, the question of Congressional right could have been settled by the United States Supreme Court. This would have lessened the temporary excitement. Ohio was not willing to leave open her present right, or her right under such legislation; but, with Indiana and Illinois, desired to have it foreclosed by some act which would bind Michigan at all events.

The equities of Ohio to have the line changed were placed by that State, or its Governor, chiefly on three grounds, viz: the intent of the Congress of 1787 to follow the supposed line, which was further north than the real one; the action of the State constitutional convention; and the preference of the people within the district.

The last point, if true, could hardly be regarded. The country had been settled, and its settlement made possible and facilitated, entirely under Michigan law; and the new preferences, if they existed, were very recent, and were created by the promise of improvements, coming from Indiana, which, if important enough, would sooner or later have been made necessary under any circumstances. But if the inhabitants of any portion of a State or Territory are entitled to have their wishes for a change of allegiance respected, there would soon be an end to governments.

If there was a mistake concerning the real position of the southerly point of Lake Michigan, no one knows just where it was supposed to be or who made it. The pencil line on a map said to have been before the committee of Congress—although the map has never been verified, and the story is somewhat apocryphal,—is said at the same time to have thrown the line a little below Detroit, and far to the north of the Maumee. There is no evidence that Congress paid any attention to this question, or cared where the line fell; inasmuch as it was subject to their future discretion whether to run the line at all or not. It was not the wish of the people of Michigan in 1802 to be separated from Ohio. It was known they would have voted against this; and when they were separated, it was on the basis that all of Wayne County should be cut off from a voice or interest in the new State. If the Con-

gress of 1802 examined into the matter at all of the location of the line, it is quite as likely, and more consistent with honesty, that they meant to follow the then existing lines of Wayne County, as that they meant to cut off a portion of it without giving the people a right assured to every other inhabitant of the country set apart as Ohio. Wayne County was very well known to cover this land.

What map was supposed to have been before the Congressional committee is not known. There were undoubtedly maps then extant which did not place Lake Michigan as far to the southward as it really ran. But there were others that did. If it had been deemed essential, some care would probably have been taken to find out the latitude. The French explorers often gave the result of their observations with accuracy, but their maps are not uniform, and very few maps of that period were carefully protracted. D'Anville's map places the south end of Lake Michigan below any part of Lake Erie. Some of the French and English maps bring it so far east as to strike the line between Ohio and Indiana. The map in Parkman's "Conspiracy of Pontiac" is substantially accurate, in regard to the relative positions of the two lakes. It is not stated from what that was copied. It may be modern, but if so it is not drawn from modern sources in many respects, and in some is very inaccurate. It is probable that in the one particular of making the

point of Lake Michigan north of the Maumee Rapids, the preponderance in number exists in favor of it among the maps then in vogue. But where this is so, they do not even approach an agreement as to the real line. And it is not asserted that the Ohio convention of 1802 acted on any map or upon any other definite information, in desiring Congress to change the line. They proceeded on the statement of a man who was no surveyor. The equity is a very slight one, at best, that hangs on such a support, and the evidence is not clear even as to that.

As to the action of the convention of 1802, its force is the other way, for they knew the line must be changed, if made to suit them, and Congress never changed it, but at several different periods acted adversely. The organization of Michigan, in 1805, was upon the expressed theory that the line was at all events to run east from the point of Lake Michigan. In 1807, Governor Hull procured from the Indians a grant of right of way for a road from the foot of the Miami Rapids to the Connecticut Reserve, for the expressed purpose of connecting the Ohio and Michigan settlements. In 1812, Congress required the Michigan line to be run on the parallel of the south point of Lake Michigan. Applications were made to Congress on behalf of the more northern line as desired by Ohio, repeatedly through a period of several years, and were never acceded to. Ohio never attempted to claim by

practical steps that the line was already as she desired, until Michigan was about becoming a State; when Governor Lucas took the measures already alluded to, under pretexts of title.

The action of Governor Mason and the Michigan Council was no more than every civilized government is bound to exercise, when her peaceable possession under the law of the land is suddenly invaded. The United States laws, as well as the Territorial laws, had defined the Territorial jurisdiction; and the Territory was in possession,—not recently asserted but long undisturbed. The civil officers had no right to abdicate their powers; and neither the Governor nor the President, both of whom were the servants of the law, could have relieved those officers from liability for neglecting the duties which the law laid on them. No Michigan officer ever attempted to surrender the authority of the Territory. Had he done so he could have bound no one. There is no likelihood that Commissioners Rush and Howard made any such attempt. If they had attempted it, their action would also have been nugatory; and every one of common sense must have known it to be so. The President of the United States has power to remove governors of Territories, and may thus indirectly secure such action as men who choose to abdicate their manhood may take to please him. But neither he nor his appointees could lawfully interfere to change or suspend the laws of the Territory; and General Jackson is not shown to



have asserted any such power. It is not within the constitutional power of any State to set on foot a war of invasion; and acts of violence done beyond the State by any one would be in law mere private misdeeds, which would be punishable in the same way, whether authorized or disavowed by the State. The opinion of Mr. Butler, and of the United States executive, was in harmony with these principles. While a nation may, perhaps, by avowing an act of its officers abroad, cover them from personal responsibility and put itself in their stead, a State of the Union has no extra-territorial functions, and cannot justify others in doing wrongful acts elsewhere.

It is probable that, in the excitement of the times, those Michigan officers who performed their functions in the disputed territory, were not always careful to measure their conduct by line and plummet; and abuses may have been committed under color of law. This, though not justifiable, was, in view of the natural infirmity of human dispositions, a consequence easily foreseen; and it resulted from the provocation and resistance. Although a defendant who justifies an assault by pleading against his adversary *son assault demesne* (his own assault,) usually sets up for himself that he thereupon softly laid hands on him, (*molliter manus imposuit*,) yet a jury generally finds that any laying on of hands not grossly in excess of what would suffice for self-protection, is soft enough to satisfy the conscience. The *alia enormia*

—the filling in or aggravation of the charges,—in cases of border violence, is not usually regarded as putting the offended—and in turn offending—power in the wrong upon the main question.

But after the lapse of forty years, and the growth of many friendly relations, it is not unpleasant to remember that the only lives lost were those of two horses, one on either side, one—according to tradition—an Ohio steed slain by General Stickney by mistake, and one lost in some unknown way, for which the State of Michigan paid Mr. Bailey. A sheriff's officer who was stabbed by Two Stickney recovered in due course of time; and those who suffered other griefs have probably been sufficiently repaid by the serene consciousness of having some personal adventures to talk about.

The Constitutional Convention met at Detroit, on the second Monday in May, 1835, and after a patient session, submitted a Constitution for the popular approval, which became operative by adoption. An election was called for the first Monday in October, 1835, to vote upon the Constitution, and to elect a Governor, Lieutenant Governor, Members of the State Legislature, and a Representative in Congress, all to become entitled to their offices in case the Constitution should be ratified. The first Legislature was to meet on the first Monday of November.

This Constitution contained the usual bill of rights. Its only peculiar political feature was that

it gave the right of voting to all free adult white male inhabitants who were residents of Michigan when the Constitution was signed, whether citizens of the United States or not. This provision, (which had no permanent importance, because all voters would soon be otherwise qualified for naturalization) was a difficulty urged with some force in Congress, against the validity of the Constitution, as interfering with the laws of the United States. It is however to be borne in mind that the Ordinance of 1787 did not require voters to be citizens of the United States. At that time each State had its own naturalization laws; and two years' residence in the Territory made one a voter, if otherwise qualified. The action was, therefore, not entirely without precedent, and was necessary to prevent the disfranchisement of those who had been allowed to vote for the delegates who sat in the convention.

The Legislature consisted of a Senate and House of Representatives, over whose acts the Governor had a veto power corresponding to that of the President. The Governor and Lieutenant Governor were to be elected for terms of two years, and the executive power was vested, as by the United States Constitution, in the Governor, or in the Governor and Senate. The courts were to consist of one Supreme Court, and such inferior courts as the Legislature should ordain; except that express provision was made for courts of probate and justices of the peace.

Cabinet officers, and all other State officers, were to be appointed by the Governor and Senate. County and town officers, judicial as well as ministerial, were made elective. Education was to be supported and encouraged, a university and schools maintained, and the university and school lands and their proceeds, and all other funds obtained for similar purposes, were to be kept inviolate. A superintendent of public instruction was also provided for,—judges and State officers were subject to impeachment for criminal and corrupt conduct; and judges could be removed on the address of two thirds of each branch of the Legislature. Other offices were subject to removal as might be enacted. Slavery and involuntary servitude were forbidden except on conviction of crime. Internal improvements of all kinds were to be encouraged by the State. Acts of incorporation could only be passed by two thirds of the Legislature.

This Constitution was very simple, and very much better adapted to the changing necessities of a growing State than the present one. While it restrained such abuses as it was thought would be most dangerous, it left to the Legislature broad discretion. All who have had much to do with studying and construing the two instruments, have discovered that, while a few restrictions concerning finances and internal improvements have been found beneficial and necessary,—the bulk of the special legislation contained in the Constitution of

1850 has been a hindrance, and not an advantage. In a republican government it must be assumed that the popular representatives in the Legislature will act usually with honest motives and reasonable prudence; and while some things should not be allowed under any circumstances, and others require checks, yet all which is subject to be changed by time and changing events, ought in general to be within legislative discretion.

The Constitution was ratified, and Stevens T. Mason was elected Governor, and Edward Mundy Lieutenant Governor. Isaac E. Crary was elected Representative in Congress.

Before this election, in August, 1835, the *Globe* contained the following: "Appointment by the President. Charles Shaler, of Pennsylvania, to be Secretary of the Territory of Michigan, *vice* Stevens T. Mason, superseded." This was followed by a long article in which it was set forth that Mr. Mason had disregarded the President's wishes, and the peaceful arrangements which had been made concerning the territorial disputes with Ohio. As Congress had not acted upon the subject, it is questionable how far the President had any right to interpose with his wishes. He had, however, the right to remove the Secretary. Judge Shaler would, no doubt, have been appointed Governor, if that appointment could have been made during the recess. He was personally an excellent selection, but he did not covet the office under existing circumstances. It was Judge

Shaler, — then a young man, who volunteered to carry from Cleveland to General Hull the news of the declaration of war; which he did with enterprise and rapidity, through difficulties; and, having overtaken the army between the Maumee and the Raisin, he was compelled to remain in Detroit until the surrender. He was a gentleman who would have commanded respect and esteem from the people, whatever they might have thought of his authority; but he declined the appointment.

On the 15th of September, the official journal contained, with some editorial answers to eastern newspaper criticisms on the course of the President, the following appointment. "John S. Horner, of Virginia, Secretary of the Territory of Michigan, Charles Shaler having declined the appointment. We learn that Mr. Horner has accepted the above mentioned appointment, and that he is now on his way to Detroit." On the 16th of September, the Cleveland Whig, announcing that Mr. Horner had that morning left for Detroit, adds that it is prepared to hear that the people of Michigan utterly condemn the authority of the new Governor, so far as his policy may differ essentially from that pursued by Mr. Mason.

Mr. Horner arrived in Michigan when troubles on the frontier had temporarily revived, and just after the troops had been sent down for the last time to Toledo. The elections were to come off in a fortnight, and in about six weeks the State government would be organized. He interfered

with what had been done in the courts, by pardoning everybody but Two Stickney. He had come out with distinct notions that he had a mission to perform, but found no one who would co-operate with him. It is believed that a very upright and estimable gentleman of the bar recognized him officially so far as to accept a commission of notary public. But his executive labors were very solitary, and the people began to show signs of disapprobation. On the 12th of July, 1835, he addressed a meeting at the Detroit City Hall, giving his views and intentions at length, and apparently with some degree of self-assertion. After he had concluded his speech, the meeting organized, and several resolutions were adopted, among which was the following: (Jacob M. Howard, who in those days was lieutenant in the Detroit City Guards, and in that capacity had gone to Toledo armed and equipped with sword and pistols, was already known to fame as a man of powerful intellect and strong convictions; and from the style and tone of this resolution, it would not be hazarding much to conjecture that "the voice was Jacob's voice.")


"*Resolved*, that if our present Secretary of the Territory should find it beyond his control, either from the nature of his instructions, his feelings of tenderness towards those who had for a long period of time set at defiance as well the laws of the Territory as those of the United States, or any feelings of delicacy entertained towards the

executive of a neighboring State, who has in vain endeavored to take a forcible possession of a part of our territory, to enable him to properly carry into effect the existing laws of this Territory, it is to be hoped he will relinquish the duties of his office, and return to the land of his nativity."

Mr. Horner was a gentleman of excellent character, and not wanting in ability. But he magnified his office, under the favor and encouragement of General Jackson, who had found the place was not much sought after; and the Secretary was rather more peremptory and assuming than the people were accustomed to find their public officers, and more dictatorial than they were disposed to submit to. The result was that neither judiciary nor ministerial officers paid any respect to him,—he met with very little private civility or attention,—and in some instances he was treated with active discourtesy, which sometimes took a form which was not generally approved. In Ypsilanti a disorderly concourse pelted the windows of his tavern lodgings, so that he resorted to a safe place to sleep on the floor; and it is said that the landlord charged in his bill the damages caused by the lapidation. It was generally thought, however, that until the State became organized, his position should secure him against insults not provoked by adequate cause; and while he did not as Secretary receive the friendly civilities which his private character would have secured to him as a private citizen, he was



not otherwise molested. After the State officers assumed their functions, General Jackson directed him not to recognize them. The result of this was that he soon found it pleasant to remove to that part of the former Territory of Michigan over which no State government had been asserted. He settled in Wisconsin, where he has always been respected for his personal worth and many virtues. It is much to be regretted that so worthy a gentleman was put into a false position, which exposed him to many difficulties, and some indignities.

The Legislature met on the first Monday of November, 1835. On the 10th of November, a rule was adopted for the election of Senators, providing for a separate election by the two houses, and in case of disagreement, for an election in joint convention. Lucius Lyon was elected unanimously in each house. Major John Biddle received a majority of four in the Senate, and John Norvell a majority of seven in the House. Mr. Norvell was thereupon elected on joint ballot, and he and Mr. Lyon were the first Senators of the new State. George W. Jones, residing in Wisconsin, was elected Territorial Delegate,—the Territory of Michigan extending beyond the State, and therefore continuing. 

The Constitution provided for the continuance of Territorial officers until superseded. The organization of State courts was postponed until July, 1836, as the Territorial judges were entirely

satisfactory, and therefore time was desirable to mature a judicial system. After a short session the Legislature adjourned until January, hoping that by that time the State would be admitted.

The admission, however, met with violent opposition. The principal reasons arose out of the slavery question. The States interested in the southern boundary of Michigan, which the constitutional convention had re-asserted by resolution, opposed it on that ground, although the matter would by the admission into the Union have become subject to settlement in the United States Supreme Court; where Michigan had desired to take it, and had passed resolutions to that end, to have a speedy suit to settle the boundaries. Arkansas had been taking preliminary steps for admission, and it was known there might be some objections to it on account of extreme provisions for the protection of slavery, which it was expected would be inserted, and which were inserted, in its constitution. There was a determination in each extreme of the Union not to allow one State to come in without the admission of the other as a counterpoise. As some of the reasons acted upon were not such as it would seem quite desirable to set up openly, various pretexts and grounds were advanced,—some no doubt from conviction—others with as little doubt for effect. A primary difficulty raised against both States, was that Congress had not authorized the holding of constitutional conventions. This was not true in re-

gard to Michigan;—for the Ordinance of 1787,—reasserted when the Territory was organized,—provided expressly for the formation of a State as soon as the free population reached sixty thousand. The application for Arkansas was made in February, 1836; and thereafter it was for some time, in reality, a contest on the slavery question, while in form it was mainly a discussion of the right to call conventions without the previous assent of Congress. But, so far as Michigan was concerned, political reasons of a pressing, if not very fair, character, rendered it an object to conciliate the neighboring States of Ohio, Indiana and Illinois, in view of an approaching Presidential election. Some members were also impressed with a notion that, although Michigan had explicitly desired to seek a judicial determination of her boundaries, there was danger of bloodshed from Illinois, and possibly elsewhere, unless Congress interfered. Committees reported in favor of giving Ohio the line she asked, and of confirming the boundaries possessed by Indiana and Illinois; while, to prevent future litigation concerning the binding character of the compact of 1787, they proposed to compel Michigan to wait for admission until she conceded those boundaries.

Colonel Benton, in his "Thirty Years' View,"—while passing over the boundary question as one which, when he wrote, had ceased to be important,—narrates very fully the course of the contest in 1835-6 over the admission of the two

States. The debates were unprecedented for obstinacy,—the last session in committee having continued twenty-five hours, and the real purposes of the contestants not having been plainly avowed. There was not only a desire to keep off the final vote, but a contest of priority between the bills; and this grew chiefly out of the slavery dispute. The Michigan bill got the preference, and was passed first by a large vote; and the vote on the admission of Arkansas was nearly the same. The opposition on the final vote in each case was independent of party; and the contest throughout was on other than party grounds.

The acts for the admission of both States were thus passed and signed together, on the 15th of June, 1836. But they were left in very different positions. Arkansas was received into the Union at once and unconditionally. Michigan was not to be received except with the southern boundary claimed by Indiana and desired by Ohio. The Upper Peninsula east of Montreal River, and the American part of Lake Superior from that point to the northwestern national boundary line, were thrown in as a sort of compensation for the land taken off at the south. Until the new boundary line was adopted by a convention of delegates elected for that purpose, by the people of Michigan, she was not to be admitted at all.

There was much ingenuity in the scheme devised to secure this consent. It was known that the people of the State were largely in

favor of admission, and equally sure that they were unanimously opposed to any boundary concessions until the right received judicial determination. If admitted, it was certain the electoral vote would be cast for Mr. Van Buren. The act expressly recognized the election of United States Senators and Representative as valid, and the prevailing—though not unanimous—view was that under the Ordinance the Territory had become a State, but a State awaiting admission. Wisconsin was created a separate Territory from and after July 4th, 1836. Michigan had meanwhile organized its own judiciary, to go into office July 1st, 1836. The Senators and Representative were of course desirous of entering upon their duties, and the ingenious theory had been propounded that the assent of a convention thus obtained would be void as a violation of the State Constitution, which had located all the powers of government, and had not recognized any such body as a convention. But as Congress had to determine on the assent as a political question, and the question of admission was not within the power of the people, this theory was not regarded as tenable for any practical purpose, whether technically correct or not.

The popular feeling was at once aroused, and hostile. An effort was now made to convert the proposals into a party question, which succeeded partially, but not completely. There had been no divisions of parties before on any of these ques-

tions, although the partisan journals had been a good deal at variance. The Governor called an extra session of the Legislature, to provide for a convention, and it met on the 11th of July. A public dinner had taken place in Detroit on the 4th, at which many speeches and volunteer toasts were given by leading politicians of both parties, and they were equally earnest in their expressions of disgust. The Governor's message was a very able and fair document, in which he submitted the subject as one which must after all be decided on as one of policy; and while not disposed to acquiesce, if there was any likelihood of a better decision in the future, he thought it might perhaps be found inevitable. The Free Press—the organ of the Democratic party—on the same day indicated less disposition than the Governor to make the concession. On the first of July, 1836, the provisions for district courts and other United States offices, which are usually passed when States are admitted, and which had been included in the body of the act admitting Arkansas, were enacted separately; but with a proviso that this act should “*not take effect until the State of Michigan shall be admitted into the Union according to the provisions of the act entitled ‘An Act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions.’*” It should have been remarked before, that this had fixed the Ohio, Indiana and Michigan boundaries positively

and unconditionally, the conditions only applying to the admission of Michigan, which was made a subordinate heading of the bill. Congress adjourned on the 4th of July. Under the settled rules of construction, the act of the 1st of July was a dead letter until the admission of the State; and no appointments could be made under it until then. But before the Senate adjourned, the President nominated, and the Senate confirmed, Ross Wilkins as District Judge, Daniel Goodwin as District Attorney, and Conrad Ten Eyck as Marshal, with the proviso that their commissions should not issue until the admission of the State into the Union. As a judge when once appointed cannot be removed except by impeachment, this would have raised a very awkward question, if the consent of Michigan had been postponed into another administration; and the validity of such an appointment made before there was any law in force to authorize it might have been contested.

The Legislature directed an election for a convention, to meet in Ann Arbor, on the 4th Monday of September. It became plain to every one before the election day arrived, that the members of this convention would reject the conditions. The convention refused to consent to purchasing admission on those terms.

An attempt was now made to unite the Democratic party, in favor of accepting the conditions, with the view of taking such measures as might then be ventured on. The Washington corres-

pondents figured up the share which Michigan would have in the dividends of surplus revenue, and the five per cent. on the proceeds of public lands, as amounting in all to more than \$450,000, all of which—the President found occasion to intimate—would be lost to Michigan if not admitted on the first of January, 1837.—(This like most other solemn extra-official utterances of men in authority, was not correct.) Presidential electors were to be chosen in November, under an act of the State Legislature; and their election also would be futile without admission. And last—though not least—various gentlemen willing to bear official responsibilities would be disappointed. As the anonymous Washington assurances concerning the financial loss by delay appear to have been regarded as of doubtful origin, an official letter was drawn from Mr. Woodbury, Secretary of the Treasury, stating that the money could not be paid to Michigan before her admission, but not making the first of January or any other day the limit. Information was also obtained from Mr. Schoolcraft, indicating the value of the Upper Peninsula.

On the 29th of October, 1836, a Democratic convention of Wayne County expressed a desire for another convention, and this was followed by a similar meeting in Washtenaw. The Governor, in reply to a request, stated there was no time for an extra session of the Legislature, and said he had no authority to call a convention; but he



referred to the revolutionary proceedings in the early history of the United States as quite irregular, and intimated that a popular convention might be recognized at Washington. Thereupon, in pursuance of the Wayne County action, David C. McKinstry, Ross Wilkins, Marshal J. Bacon, John McDonell, and Charles W. Whipple, called a convention to be held at Ann Arbor on the 14th of December, and recommended that their action be ratified by the next Legislature. Elections were held, from which many of the people absented themselves because not lawfully held, and the convention met, (familiarily known as the "Frost-bitten Convention") made up entirely of delegates favorable to admission. They at once, and without ceremony, gave their assent to the conditions, and forwarded their action to Washington. The President laid the case before Congress, and it gave rise to much debate. The validity of the convention was denied, and the matter was considerably delayed. There was a general disposition to admit the State, but not to recognize the irregular action; and a preamble reciting consent to have been given was strenuously objected to. The bill was finally passed, with a preamble which recited that consent had been given by a convention of delegates, "elected by the people of the State for the sole purpose of giving their assent;" and Michigan was admitted on the 26th of January, 1837.

It would be very difficult to maintain the legality of this convention, on any principle which would not lead to the subversion of all constitutional government. But Congress acted upon it; and the question was one political and not judicial, on which their action was final. It is probable, also, that in the view that no better terms were likely to be made for some years, if at all, the measure would, upon a second submission, have been ratified by a large majority of the people. When the struggle was over, the result was acquiesced in; and the best was made of what was deemed a bad bargain. An attempt to have the electoral vote of Michigan declared valid failed. All that could be done for it was to allow the fact to appear that it had been cast for Mr. Van Buren. This was permitted on the ground that it would not change the result; and its regularity was left open. Colonel Richard M. Johnson was elected Vice President by the Senate, for lack of an electoral majority. This election took place after the State was admitted; and the Senators, Mr. Norvell and Mr. Lyon, had the opportunity of giving him their votes.

The State was recognized, when admitted, as having existed as such since November, 1835, when the Senators and Representatives, Governor and Legislature, came into office; and such has been the uniform ruling of all departments. The last act of the Territorial Judges, on the first day of July, 1836, — three days before the Territory of

Michigan lost its remaining jurisdiction by the organization of Wisconsin,—was in their capacity as a land board. They conveyed a lot of land in Detroit to the Detroit Young Men's Society,—a corporation created by the State some months before. This deed was held valid, on the ground that the Territory survived until July 4th, although a part of its domain had been severed and transformed into a State.

Henceforth the affairs of Michigan were within her own control. The motto of the Territory had been *Tandem fit Surculus arbor* (the sprout at length becomes a tree.) This simple and graceful sentiment, with the device expressing it, looked at the future and was now accomplished. The conglomeration of mottoes and devices on the State seal, which remind one of the character in Shakspeare who had been at a feast of languages and stolen the scraps, is devoid enough of meaning to give a wide range to the imagination. But, in spite of its heraldic confusion, the State has suffered no damage from it; and her great seal, though not attractive as a work of art, can certify a very honorable history.

## CHAPTER XV.

### MICHIGAN UNDER THE CONSTITUTION OF 1835.

THE new State had, at the time of its admission, become fairly settled down to the management of home affairs. The Supreme Court was organized by the appointment of William A. Fletcher as chief justice, and George Morell and Epaphroditus Ransom associate justices. Chief Justice Fletcher had previously been selected to codify and digest the statutes, and was busy with his work. A court of chancery was created, and Elon Farnsworth was appointed chancellor. This court, under his presidency, acquired an enviable reputation for the justice and soundness of its decisions, and his opinions are plain and lucid statements of correct principles. He was succeeded, on his resignation in 1842, by Randolph Manning, who was also an able chancellor, and filled with credit several political as well as legal offices, dying in August, 1864, while holding the position of judge of the Supreme Court. The Court of Chancery was abolished by the Revised Statutes of 1846, and the jurisdiction vested in the circuit courts.

John D. Pierce of Marshall was the first Superintendent of Public Instruction. He was very active in preparing the general scheme of education by means of primary schools, and the University and its branches. The University was established at Ann Arbor. Its board of regents consisted of the Governor, Lieutenant Governor, Chancellor, and Judges of the Supreme Court, as *ex-officio* members, and twelve regents appointed by the Governor and Senate. The University was ultimately to contain not only a literary department, but colleges of medicine and law. Branches of the University were established in various places as preparatory academies. These were at Detroit, Pontiac, Tecumseh, Niles, Kalamazoo, Monroe and White Pigeon. The branches were first established, and in 1841 the first class was opened in the University at Ann Arbor, the first graduates leaving the college in 1845. The medical college was opened in 1848, and the law department in 1859.

The University and school lands previously set apart by the United States for University and school purposes were transferred in fee to the State, to dispose of them as might seem proper, and preserve the funds inviolate. The new organization, being identical with the old, obtained title to such property as had been directly vested in that corporation,—including buildings and lands in Detroit, and various other property. The Superintendent of Public Instruction was put in

charge of all the trust lands and funds, and retained their management until they were subsequently transferred to the State Land Office.

The Governor's message, in 1837, dwelt upon the necessity of a full system of education, and advocated what was also desired by Mr. Pierce, the ultimate completion of a uniform system, whereby any child could be educated completely, from the earliest rudiments through all the branches of useful and elegant knowledge. This he urged as necessary to secure political and civil equality. Although it took many years to reach the desired end, it has been reached, and in most of our towns the schools carry up their pupils as far as they choose to go, and prepare them, if they desire it, for pursuing their scholastic work in the University, or elsewhere. Until union and high schools were established, the branches of the University had been the only public academies under State authority. Now there are not only multitudes of them, but they are very generally free schools throughout. The branches were not kept up very many years. They received female scholars as well as male.

In addition to school lands, the United States at various times gave to the State, for its own purposes, lands for State buildings, salt springs, and large grants to aid in public improvements. Five per cent. of the proceeds of government land sales was also given for internal improvements. Five hundred thousand acres of internal

improvement lands were asked for and subsequently granted. Michigan also became entitled to a share of the surplus revenue of the United States. These large possessions were anticipated, and the hope of receiving them had, as already seen, been one of the inducements to submit to the unpleasant conditions imposed by Congress.

The Legislature of 1836, looking forward to these accessions, had meditated on the magnificent possibilities, and had, among other things, authorized the Governor to invite proposals from every rail road company in the State for the transfer of their roads and franchises. The charters were numerous, but not very much had been done in road-building. In 1837, as soon as admission became certain, the young State launched out, like an heir just emancipated, into the most lavish display of her new freedom, and fancied opulence.

Although these times are not very remote, the present generation cannot, perhaps, quite comprehend how people felt. There was as yet, no railway communication with the east. From Albany to Schenectady and Utica, the road was built very gradually. West of Utica the travel was by stage or canal-boat. The Lake Erie steamboats were the finest and largest boats in America, and conveyed travellers with speed and comfort. From Detroit to Chicago there was no convenient land-passage, and all went by the lakes. From Chicago westward there were no

railroads, and no travelling facilities beyond natural roads. It was more than fifteen years before any railroad crossed Canada. Telegraphs were not put in use for many years. There were no plank or gravel roads, and the best turnpikes were almost impassable for several months in each year.

The railroads themselves were imperfect, and their ultimate perfection was not foreseen. Their passenger cars were small vehicles, holding no more than from eighteen to twenty-four passengers, and not much, if any, heavier than the large stage-coaches. The iron was flat bar-iron, from half to three-fourths of an inch thick, spiked on wooden sleepers which were lightly tied, and on tracks not perfectly graded or heavily ballasted. The locomotives weighed from two to six or seven tons, and drew corresponding loads. Great weight and high speed would have destroyed the tracks. One of the dangers of travel was from "snake-heads," caused by the loosening of the ends of the thin rails, which, bending up, were caught between the wheels, and driven through the bottom of the car, wounding or impaling any one who sat over the point of entrance. Instead of grading up or down steep declivities, cars were passed over the incline by counter weights of box-cars, loaded with stone, which balanced them like window weights, and made it easy to pass one up as the other went down. As there were no long railways, there was



no freighting unless of light articles, except for short distances. In a level country well supplied with wood, the cost of building and ironing a railroad was very trifling, and its rolling stock was also cheap and scanty. The original capital stock of the Detroit and St. Joseph Railroad Company, (the corporation which began the Michigan Central Railroad) was a million and a half of dollars. The entire cost of building and stocking the Central Railroad to Marshall, was reckoned in 1846 as having been two millions of dollars. In private hands it would probably have been less; and the capital stock of \$1,500,000, aided by the earnings, properly managed, would have been adequate according to the plans first devised, to build the road; although the subsequent improvements in track and stock would have made new arrangements necessary, if the road had been built as slowly as was then customary. Twenty miles a year was in those days rapid railroad building.

It is not strange that with the experience of such a rapid growth, the people of Michigan were very sanguine. The times were what Judge Baldwin very aptly named them, "flush times," when money was turned out as fast as engravers could make it, and nearly every good engraving passed current somewhere. Property was bought and sold at fabulous prices. Land which could be purchased by any one at government price for a dollar and a quarter an acre, would sell as

town lots on an engraved village or city plat, for fifty times that price, with no reason in the world for the advance.

The idea seemed current that the mere activity of immigration, and the enthusiastic visions of the immigrants, actually created wealth. Usually a large population means prosperity, because it has grown up slowly, and improved the country and accumulated savings for many years. But when population from a mere handful grows up in ten years to five or six times its original number, there have been no savings; and there is no progress beyond beginnings, where the outlay usually exceeds the income. Of the settlers who came to Michigan, most were of that intelligent and enterprising class that advance the material interest of a region as fast as they can, and in the end build up strong communities. But they were also usually of the class whose wealth is in the future and not in possession, and who do more borrowing than lending. They were also very hopeful, and selected their homes and lands with sagacity, so far as fertility of soil and fitness for farming, lumbering and milling, were concerned. But they very often reckoned wildly, by overlooking difficulties of access. The garden of Eden would not pay for raising articles which could not be marketed, and the completest mill or factory that ever was built could not flourish without customers.

It was fortunate that the enterprising settlers had correct notions concerning education. There

never was in any country a more liberal and enlightened view of the value of generous culture. The early founders of Michigan were not only intelligent, but many of them were highly cultivated and intellectual; and through good and evil fortunes, while they lost wealth and suffered privations, they adhered with dogged tenacity to the system of schools, which had been planned liberally, and has been the safeguard and glory of the State. As prosperity has increased it has fallen upon men who generally have known its relative value, and there are few towns in the commonwealth whose schools are not fully up in completeness to the means of the people.

The first State legislation was chiefly directed to the development of the resources of the country. Roads were laid out in every direction, and placed under local supervision, so that the people most nearly interested might have means of preventing neglect and dishonesty. Railroads were chartered whenever asked for. The University and school lands were put in market on long time. The State prepared as soon as possible to enter upon a general system of internal improvement, whereby all parts of its jurisdiction would be made readily accessible, and be brought within easy reach of markets and business facilities.

One of the first and best schemes devised to further the development of the State resources, was the organization of a complete geological survey. In February, 1837, an act was passed

for the appointment of a State Geologist to conduct such a survey, and annual sums, increasing from \$3,000 the first year to \$12,000 the fourth, were appropriated. Doctor Douglass Houghton was selected to fill the office. He was already known throughout the State for his thorough qualities as a sagacious and close observer, a laborious and patient student, and a man of integrity, whose love of science, and devotion to its interests, had not impaired his cool-headed shrewdness and habits of business. Short as was the remainder of his useful life, the best observations and discoveries in the fields which he traversed have proved his accuracy and judgment, and have shown no course safer than to follow his suggestions. Within the first year his views had become so favorably accepted that, in 1838, the survey was re-organized on a larger basis. Three principal assistants were required to be appointed by the Governor, on his nomination, to wit, a zoologist, a botanist and a topographer; and four minor assistants to be nominated by the Governor on the nomination of their chiefs,—two for the zoologist, one for the geologist, and one for the botanist. Twelve thousand dollars a year was appropriated for the service. Maps, reports, and specimens were to be furnished to the State, and as far as possible to the University. Dr. Abram Sager was appointed zoologist, Dr. John Wright botanist, and Sylvester W. Higgins topographer. Bela Hubbard and Columbus C. Doug-

lass acted as assistant geologists, and Mr. George H. Bull assistant botanist. Several important reports and considerable collections were made, and valuable maps and drawings were prepared and some of them engraved. The general financial depression prevented any extensive work after 1841, and in the careless management of some of the State property, after Dr. Houghton's death, all of his engravings, which were numerous and very beautiful, and many of his collections which had been left in the State offices before their removal to Lansing, disappeared. Dr. Houghton had before his death secured the services of Mr. Beneworth, a wood-engraver, whose marvellous skill had obtained him honorable testimonials in Holland, Sweden and Germany, and who executed some of those minute gems of engraving which beautify Harper's Bible. This artist had become desirous of seeing the New World, and was disposed to set out for the undefined western regions of which he had very vague notions, when Dr. Houghton found him in New York, and being mutually interested, he was induced to enter upon the work of engraving the illustrations which would be needed for the final report. The blocks were engraved and left with uncut margins to prevent abrasion, and in this condition deposited for safe keeping with one of the State officers. Besides these, Mr. Higgins had drawn carefully, on stone, a large number of fossils and other specimens, and several maps

were engraved. All have been lost. Their money value was not less than many thousand dollars. Their artistic as well as scientific value cannot be reckoned.

Another scheme for the development of resources was unlimited banking. To this the Governor was not favorable, unless upon careful security. But the ideas of banking were very ill-adapted to such times. It has hardly become an exact science yet, but those times furnished some valuable, though costly experience. At that era the nation was out of debt, and all the State debts combined were less than some ambitious cities now pile up in a twelvemonth. Banking on stock security was unheard of. But banking had thus far been reasonably well conducted generally. The favorite New York system then was the "safety fund," by which each bank subject to it contributed a small percentage of its capital to a general fund, which was relied on to make up such deficiencies as might arise when single corporations were wound up. Large insolvencies with no assets were not imaginable. In 1836, the Michigan Legislature provided for a fund to be made up of three per cent. on the capital of every bank, payable in annual portions of one-half of one per cent. Many banks were chartered, and some of them came under this rule. But in the large dealings with which this freely issued paper had made men familiar, it was thought there was not currency enough afloat, and specie was

rarely seen. One motive for forming new banks was the desire to secure a share of the government deposits, as well as the surplus revenue, which had also been sometimes deposited by the States, to be ready if required to be refunded, this being one of the conditions of the distribution. In 1837, a general banking law was passed, which was supposed to contain better securities than any other similar scheme, and included the safety fund plan in addition. Any persons residing in a county of the State, (including among them at least twelve free-holders,) could organize banks of from \$50,000 to \$300,000 capital, and care was taken that at least one-third of the stock should always belong to county residents, in good faith and for their own use; and on executing the preliminaries and paying in 30 per cent. in specie, they could proceed to business. Ten per cent. was payable on the stock every six months, until all the capital was paid in. Before beginning banking business, bonds and mortgages, or the personal bonds of resident free-holders, satisfactory to the County Treasurer and County Clerk, were to be filed with the Auditor General, to the full amount of the circulation and indebtedness. Neither the circulation nor the loans and discounts were to exceed twice and a half the amount of the capital stock. A rigid system of bank examiners and examinations was provided, to prevent any banks, chartered or general, from committing frauds.

This statute was held invalid, because the Constitution prohibited any corporations which had not been approved by two-thirds of the Legislature. But many banks were organized. The county clerks and treasurers had as liberal ideas on the value of lands and the solvency of free-holders as could be desired; and while in the older towns some of these institutions were carried on as prudently and honestly as any others, the general tendency of most of the smaller, and some of the larger, banks was towards reckless discounting and wild speculation. Competent cashiers and officers were rare. Men assumed to be bankers who had no business knowledge, and could hardly cast accounts. Many went into the business as an easy method of swindling. The Bank Commissioners, who were compelled to travel without the facilities of railroads and telegraphs, discovered all manner of devices to deceive them as to assets. Base metals were packed in coin boxes, and covered over with thin spreadings of coin; and sometimes the same coin was kept in transit from bank to bank through by-ways in advance of the Commissioners, until its familiar appearance, or a retrograde visitation, exposed the trick. Few and evil were the days of this banking, and the history of the system of wildcat banks would be humiliating but perhaps profitable reading now; although the sharpers and rascals of 1876 are undoubtedly more adept in knavery than their ruder predecessors, and would not be proud of such small



swindling. The crash came as soon as the general business panic began to spread through the Union ; and within five years after the State was formed, the financial ruin of its people was complete. The best improved property in the best towns shrunk to less than half, and sometimes less than a fourth, of its previously estimated value, while unimproved property not paid for bankrupted its luckless mortgagor, and if paid for was often too burdensome to support its quota of taxes.

But young States, like children, do not always look beyond the year, and Michigan was no more prudent than others. It allowed the school funds to be lent out to private borrowers as well as to banks and corporations, and made loans of its own bonds and money to various railroads and other schemes. Railroad mortgages of the modern kind were then unknown, and those early loans would be regarded if made now, as safer than the majority of advances made in these days on such securities. They were generally secured by private mortgages or guarantees, and they were all on promising roads as first encumbrances. Yet in most cases the State lost a large percentage. The surplus revenue was lent to banks on deposit, and most of this was repaid or collected ultimately, but some of it after long waiting. Bounties were offered, and some loans made, to encourage, among other things, the manufacture of beet-sugar. This speculation failed, but the State met no serious injury.

The bounties and loans to encourage new branches of industry were not extravagant, and were probably well invested, even where the object did not succeed. Attention was drawn to the difficulty as well as to the supposed merits of the schemes, and it is a matter of congratulation, partly due to this, that few large enterprises have ever been abandoned as impracticable. The early experiments prevented heavier subsequent losses. Among other things, tried on a small scale and abandoned, was silk-raising. There was at one time an epidemic mania for raising the *morus multicaulis*, (a mulberry adapted to the silk-worm,) and this State, while somewhat excited, was not much hurt by it. A gift of \$3,000, in 1837, to the Reverend Martin Kundig, was an investment more hopeful. It was given to that excellent man in recognition of his faithful and unwearied labors and outlays during the cholera visitation. While it is the solitary private reward or pension found in our history for philanthropic services, it was creditable to giver and receiver. Mr. Kundig is remembered by the older inhabitants of Detroit as one of the few persons who ever made a poor-house a charming place of resort for visitors, entertained only by his pleasant conversation and the sight of his well-kept gardens; and who, with strict economy, secured to his unfortunate wards comfort and self-respect.

The necessity of internal communication led to a measure which for many years kept down the

credit of the State, and crippled its resources, thereby driving away some of its own citizens, and effectually preventing the growth of its population by increase from abroad.

In addition to some smaller debts, it was determined to borrow five millions of dollars, to expend in various public works. It was expected that by the aid of this sum, and such other donations as might be received from the United States, three trunk railroads could be built across the State, two canals made, several rivers improved so as to be navigable, some small railroads finished, and a ship-canal opened round the Falls of the St. Mary's River.

A Board of Commissioners of Internal Improvement had already been appointed. On the 20th of March, 1837, this Board was directed to survey three railroad routes across the peninsula. The first was the Michigan Central, from Detroit to the mouth of the St. Joseph River in Berrien County. The second was the Southern, to run from the mouth of the River Raisin, through Monroe, to New Buffalo. The third was the Northern, to run from Palmer or Port Huron to Grand Rapids or Grand Haven. A purchase was to be made of the Detroit and St. Joseph Railroad, which had gone partly through Washtenaw County. Five hundred and fifty thousand dollars was appropriated to these roads at once, four hundred thousand for the Central, one hundred thousand for the Southern, (both of which included

private railroads to be purchased,) and fifty thousand for the Northern road. Twenty thousand dollars was appropriated for surveys of a canal, or combined canal and railway, from Mt. Clemens to the mouth of the Kalamazoo River, a canal from Saginaw River to Maple or Grand River, and river surveys on the St. Joseph, Kalamazoo and Grand Rivers, for slackwater navigation. Seventy-five thousand dollars more was to be expended on some of these and other works.

Of these works it may be enough to say that the Michigan Central was pushed by degrees as far as Marshall, and built in good part from its earnings, and the Southern was also extended into Hillsdale County. Both of these were sold in 1846, and the purchase extinguished a large proportion of the State debt. The Northern Road was graded beyond Lapeer, and its bed was converted into a wagon-road, at the expense of a large amount of internal improvement lands, which paid a great price for a very little work. The Clinton Canal was completed a few miles, and rented for water power. Very little, if anything, came of the other schemes.

On the 21st of March, 1837, a law was passed authorizing the Governor to negotiate for a loan of five millions of dollars, at not more than five and a half per cent. interest, and redeemable after twenty-five years. At first it was required to be payable in the United States, but afterwards allowed to bear six per cent., and be made pay-

able in Europe, in pounds sterling at four dollars and forty-four cents, or in Holland guilders at forty cents.

The Cashier of the Michigan State Bank (at this time John Norton, Jr.) was Fiscal Agent of the State, having no large discretionary powers, but keeping the State deposits in his bank. At this time demand exchange on New York was purchased by the banks in large sums at six per cent. premium, and sold at much higher rates,—from ten per cent. upward in some cases. Eastern bills had a fictitious reputation, and were regarded—good and bad alike—as better than home currency. Why this estimate was put on them was not manifest except that persons sometimes bought them as cheaper than exchange, to use in eastern purchases. Michigan money was of different values. City money was at par,—country money in a few cases was at a slight discount, but usually at a considerable one. A difference was made between “chartered” banks and ordinary “safety fund” which were chiefly “wild-cat,” although the difference was purely imaginary, or quite as often as not in favor of the wild-cats. No worse frauds were ever detected in banking than among several of the chartered banks.

In this condition of affairs, the credit of the State was first tried in the money market, on what was then a reasonably large scale. There is no doubt Michigan bonds could have been placed in Europe, and probably in the United

States, by proper management. If they had been honestly dealt with, the State would probably have had no serious trouble. But Governor Mason, who was personally honest himself, was a novice in finance, and he fell into the hands of the Philistines.

By some unfortunate mischance he was induced to select the Morris Canal and Banking Company of New Jersey to aid him in negotiating the bonds. How this was brought about has not been made public. He was unquestionably misled by his own inexperience into accepting strange counsels. He made more than one agreement, and each one was worse than the last. On the first day of June, 1838, an agreement was made substantially as follows, except that some of its provisions are ambiguous and not very intelligible. The Governor agreed to make the Morris Canal and Banking Company agents irrevocable, to negotiate the \$5,000,000 loan, and \$200,000 of other bonds afterwards authorized for special purposes. The bonds were to be sold in Europe or America, at such times and in such quantities as the agents determined, for which sales they were to have two and a half per cent. commission, and in addition half of any premiums received, up to five per cent., and all beyond that; and were to bear all expenses, and guarantee that the proceeds deposited in New York, added to their commission, should not be less than their par value. They were also to pay the amount of the bonds, less their commis-

sions, in instalments, whether sold or not, but were always entitled to have in hand a million of bonds in excess of payments already advanced, if so much remained undisposed of. They were also at liberty, if they chose, on thirty days' notice, to take and pay for the bonds at par, less their commissions. The contract as to the time when in that case they should pay for them is very blind. \$1,300,000 of the bonds were delivered over at once, and they were to pay for these \$250,000 in cash, and \$1,050,000 when called for, on order, less their commissions. The remainder of the entire loan was payable in quarterly instalments of \$250,000 each, (or a million a year,) beginning July 1st, 1839, thus giving them about five years in all to close up the matter. A difficulty afterwards arose concerning the interest account, on which the contract is silent.

On the fourth of June, 1838, — (three days after the contract,) — Governor Mason, without any legal authority, made a further arrangement. The \$1,300,000, instead of being paid in cash, he allowed to be put to his credit on the books of the Company, as a payment in full, and agreed to take the whole of it in the bank bills of the Company, and disburse them for State purposes, — receiving \$250,000 on the first of August, and \$100,000 a month thereafter. This gave the bank the benefit of a distant circulation for over a million and a quarter of bills, and the interest in addition on this whole sum for an average of about

six months. On the 14th of July, Mr. Norton, the Fiscal Agent, in equal absence of authority, made a still further arrangement. Instead of paying over their bills, they were to accept drafts for the same amounts, payable ninety days after each of these instalments of bills was to have been furnished; and these ninety day drafts were taken as cash. As this transaction was between bankers of experience, it needs no comment. It gave them directly ninety-three days of additional interest on the whole \$1,300,000.

The next phase in this transaction was during the same year, in November, when the whole bonds were turned over to these honest agents, upon the sole corporate obligation of the Morris Canal and Banking Company, to pay one-fourth of the instalments originally provided for, and that of the United States Bank, (which was no longer a National bank, but a State corporation of the same name,) for the other three-fourths,—keeping a proper interest account. In this way the whole amount of the bonds got into the hands of the agents, without any security whatever. The Morris Canal Company made default in the payments early in 1840. The State Treasurer, Robert Stuart, found that they had got rid of their share of the bonds in some way, and was glad to get securities for about two-thirds of their proportion of the unpaid and future instalments, but was hopeful that they would be able to pay in full, with some delay. They were allowed an extension of



four years, until January, 1844, but long before this they failed entirely. Their assets given as security were of a strangely miscellaneous character, and showed a very reckless course of banking.

Specie payments were now generally suspended, and the State found difficulty in raising money for its current expenses. The United States Bank also made default in a part of the April instalment in 1840. The Treasurer managed to get more or less money out of this bank that year, and the delay of that corporation was also regarded as temporary. In April, 1841, an issue of State scrip was provided for, in the form of bank-bills, and receivable for State dues, to anticipate the next four instalments coming from the loan. But they never came. The scrip depreciated considerably, but, being receivable for taxes, was about the only available currency to be had; and salaries and all other general liabilities were paid in it, and accepted as the only thing to be obtained. The Treasurer endeavored to get back the bonds for which nothing had been received, but they had been hypothecated by the failing banks and were beyond reach. As they were all where the equities still bound them, their further negotiation was checked by proper notices. The State arranged to pay on each what had been advanced upon it, and in the subsequent sale of the railroads these part paid bonds were received—remitting most of the damages to which the State was entitled by reason of the protest and

default, and the accounts were substantially closed. The loss to the State in interest caused by the peculiar arrangements made after the first contract, even if there had been no default, was \$121,881.88 without reckoning the retention of the whole  $2\frac{1}{2}$  per cent. commissions in advance. The damage by reason of losses in work suspended, and improvements rendered valueless, is not to be estimated. It brought the State to the verge of ruin, and its evil consequences lasted for many years.

It became necessary to pay internal improvement expenses with a different sort of paper from State scrip. Parties contracted to receive their pay in internal improvement warrants, payable in land, and not in money. Land being then a drug, and not in demand, these warrants ran down to forty cents on the dollar, and the contract prices were fixed accordingly. This soon deprived the State of many of the best lands, at a great sacrifice. No further labor was done except on such works as were of immediate necessity and usefulness, and the unfinished works were for the most part permanently abandoned, and their cost entirely wasted.

But the construction of one of the most important works for the development of the country was prevented by a very gross outrage. One of the first measures of internal improvement adopted was the construction of a ship canal round the Falls of the St. Mary's River. An appropriation

was made, in March, 1837, for the survey and commencement of the work, as soon as the Board of Internal Improvement approved the plans. Surveys and plans were made, and publicly known, and contracts were entered into in accordance with them, and the contractors proceeded to purchase materials and make all their preparations in the latter part of 1838 and beginning of 1839, to go on with their work on the opening of navigation. The State made them an advance in the early spring. On the 9th of May, they arrived on the ground, and, as they were preparing to proceed, they were served by a subaltern assistant quartermaster of the United States with a letter of the War Department, addressed to himself, whereby it was directed that no interference must be allowed with the improvements made by the United States at that post, "among which the mill-race is regarded as one of the greatest importance;" and he was notified to "apprise the contractor that he cannot be allowed, in the execution of his contract, to interfere, in any way, with that work." Accordingly the officer, on the day of serving this letter, gave the contractor notice that it would be his duty "to interfere with any work on the projected canal, that might injure the United States mill-race near that post." This notice was served on the 12th of May. The letter was dated on the 6th of March, 1839, more than two months before, and was an answer to one received by the War Department, written by this same officer in

January, 1839, containing information how the canal was laid out and to be constructed. No communication was made during this interval to the State of Michigan, nor to any one else. This mill-race, as shown to the Legislative Committee, was not on any ground that had been set apart as a military reserve, but the Town of Sault Ste. Marie intervened between the mill-race and the fort, which was a long way off. The mill is said by the committee who examined into the matter to have been dilapidated and useless, and General Whiting, the chief quarter master of this department, so stated. The State had not ceded jurisdiction over any part of the land in question.

The contractors informed the officer who notified them, "that they were bound by the State of Michigan, to excavate the canal within the lines run and laid out by the chief engineer, and that they should proceed with the work, and could not allow water to flow through the race, where the canal crosses the same, as it would entirely frustrate the object that the State of Michigan had in view." The commanding officer at the fort, Captain Johnson, responded that, under his instructions, "the proposed work could not go on peaceably;" and that he was bound to carry them out to their full extent. The contractors went upon the ground, nevertheless, and began work, when they were met, not by the mandate or injunction of the civil authority, but by Captain Johnson in his military capacity at the head of a

company of soldiers. They had their implements taken from them by actual violence, and the party was driven off the ground at the point of the bayonet.

This unjustifiable outrage put an end to the work, and postponed the building of the canal nearly fifteen years. It was brought before the Legislature repeatedly by the State Executive, and in 1840, when it was first presented, with a very indignant message, by Governor Woodbridge, and the facts fully investigated and reported on by a committee, the Legislature, by a joint resolution, declared their opinion that the course of the government authorities was "unwarranted by the Constitution of the United States, and a violation of the rights and sovereignty of the State of Michigan," and that as an act of justice, the government was bound to repay the State its advances and damages; and directed that the State delegation in Congress be requested to take proper action in the premises. In 1841, Governor Woodbridge felt it his duty "again to ask the attention of the Legislature to the unauthorized and forcible interruption, by the troops of the United States, of the public works of the State, during the year before the last, at the Sault de Ste. Marie. The pecuniary loss to the State, resulting from that reprehensible interposition, remains unsatisfied, and the injury to its honor unatoned for."

The bitter political contests which at this time absorbed the attention of the American people

may have rendered this affair less important in the sight of Congress than it was in fact. The use of military force, as a substitute for civil remedies, is intolerable in any country governed by law. The official insolence which paid no attention to notifying the State authorities, and gave them no opportunity to delay their appropriations, or deal with the matter in a legal way and obtain a removal of the difficulties, was offensive and disgraceful. The damage to the State was very serious. The Upper Peninsula had been forced upon her acceptance, and the duty was at once assumed of providing for making it available. The explorations had already shown the immediate value of its fisheries, and the ultimate value of its great deposits of metal. The expense of transshipment caused by the land portage at the Sault, could not be borne without multiplying the cost of all work done in that region, and adequate shipping could not be built on Lake Superior without better means of getting there, and assurance of immediate remunerative employment. No large vessels have to this day been built there, and the first, and for many years the only, vessels of any magnitude that were used upon that lake, were carried across the portage by the expensive and perilous process of dragging them overland.

The Reserve at the Sault, even within the limits which were adopted for military purposes, has been a source of trouble in the way of improvements. The carelessness of our legislation,

without proper investigation, not only in allowing government reserves to be created, for purposes where exclusive jurisdiction is entirely unnecessary for the uses of the United States, but in permitting them to be much larger than is necessary, is very much to be regretted. The propriety of giving the government exclusive jurisdiction over forts and navy-yards, and other similar places, where no one has any right to go except on public business, is evident enough. But places which it is not dangerous to the United States to leave open to access at all times, ought never to be removed from State jurisdiction. No difficulty ever arose from having courts, or custom houses, or post offices, or roads, or canals, continued on ground not subject to the exclusive jurisdiction of Congress. The United States can lawfully legislate to punish interferences with any of its institutions or property, wherever they may be. But the consequences of exclusive jurisdiction are very serious. Residents may lose their rights of voting and citizenship,—they may cause difficulty in determining the validity of wills and contracts, in the rights of husband and wife in their personal property, and in the laws of distribution, so that if different reserves in the same State are created at different times, there may be as many different codes of law applicable. Many crimes are punished differently by the United States and State laws, and some acts which are penal under one system are exempt from penalty under the

other. Instances have already arisen in more than one State exemplifying these evils. The dangers to public peace, where offences committed on one side of a street are governed by different laws from those committed across the way, or on adjacent lands, are not theoretical nor small. The disfranchisement of the Asylum in Ohio, and its results, exemplified what every one who has examined the subject has found strong reason to deprecate. There is no higher act of sovereignty than that which transfers sovereignty, and yet it is easier under our laws (assuming them to be valid) to cede away State jurisdiction, than to lay out a highway, and it is done with much less ceremony, and for purposes in no way requiring it. In 1855 the Legislature passed a joint resolution, complaining of the needless extent of the reserves, and urging their correction; but subsequent legislation seems to have lost sight of this mischief.

The general discontent with the management of the State finances led to political changes. The singular character of the loan negotiation, and its more singular sequels, led to serious charges against the integrity of the whole transaction; and the loss of some moneys never fully explained did not tend to remove the public discontent. The Governor incurred heavy censure for his imprudence and credulity. The charges of personal dishonesty were not generally accepted as just. When he died, in 1843, both houses of



the Legislature passed resolutions of respect to his memory, and sympathy for his relatives, and in this they followed the general sentiment. His deficiencies were those of inexperience, and were not mean or selfish. His abilities were much beyond his years.

Chief Justice Fletcher had been appointed in 1836 to prepare a revised code of laws. It was expected that this would be merely a compilation of existing statutes, with such changes as might be needed by the change of government. Instead of this he reported a volume of revised statutes, in the shape of a single act, divided and subdivided into parts, titles and chapters, and introducing some novelties and much confusion. Among other unexpected changes he substituted a board of county commissioners for the board of supervisors, and omitted to do away with imprisonment for debt, which he had been expressly required to do. The statutes were hastily prepared, and, as usual when an entirely new arrangement is adopted, they omitted many things, and were quite imperfect, abolishing most of the existing general laws, and not providing adequately for the matters they had regulated. This code introduced no important reforms in the law of property or of procedure, and had no influence in that direction. It was, however, well arranged, and perspicuous. In 1839, the year after it took effect, a great many amendments were adopted to supply its deficiencies. One very important subject had been en-

tirely left out. Although preparations had been made some years before for the erection of a penitentiary or State prison, and it had been located in 1837 and partly completed, the revised statutes did not attempt to regulate it. A non-imprisonment act was also passed in 1839, as well as laws giving power to the Court of Chancery to wind up insolvent corporations. In 1842, the board of supervisors was restored as before. The repeated amendments had produced so much confusion that in March, 1844, provision was again made for the appointment of a commissioner to consolidate and revise the general laws. This duty was performed by Sanford M. Green, who has since filled the highest judicial offices in the State, and was reported to the Legislature in 1846. Judge Green had incorporated all the important amendatory legislation, and introduced some valuable new features tending towards liberality. His work was somewhat mangled by the zeal of certain so-called reformers, whose impartial ignorance of law enabled them to proceed with a degree of confidence not usually shown by competent legislators. But in many particulars, and perhaps in most of the more important respects, his work furnished the greater part of the code as adopted, and has ever since remained as the groundwork of our legal system. The Constitution of 1850 prohibited any further revisions.

The removal of the Detroit garrison in 1826 had been regarded as entirely safe, because there

was no likelihood of further complications with the Indians, and the relations with Great Britain were satisfactory. It had not then occurred to any one that there might be occasion to protect the frontier from lawless violations of neutrality. The United States Arsenal had been removed to Dearborn, so as to be less exposed. In 1837, the Canadian insurrection, known as the Patriot War, broke out, and for a time kept the lines in turmoil. Secret lodges of sympathizers, under the name of Hunter's Lodges, held meetings in several of the lake cities. During the fall and winter of 1837-8, it became necessary to employ the military forces of the State to prevent the seizure of the Arsenal, and to patrol the frontier, until they could be relieved by the regular army. The movements on the Detroit River were not at this time very important. The invading forces managed to get upon Fighting Island, where they remained until dislodged by artillery, without serious casualties beyond the occasion they gave for the destruction of the fine forest on Bois-blanc Island. In 1838, after a temporary lull, and when nothing was suspected, they crossed from Detroit to Windsor, where a steamboat was burned, and blood was shed on both sides. The leaders were captured, and several of them were banished.

Some questions arising concerning the condition of naturalized citizens, the Michigan Legislature, in 1839, memorialized Congress to have measures taken to secure international recognition

of the right of expatriation and naturalization. This has been done within a few years, but has left the subject in painful uncertainty, without providing adequately for furnishing evidence of a change of country, and apparently without having given any heed to the effect of such legislation on inheritances and escheats. Few subjects require more careful handling; and while, under modern practice, treason is not much considered in determining the policy of shifting allegiance, the interests of minors have been disregarded also; and, without more careful action, the seeds have been sown for some of the most vexatious litigation. There are so many American children born or educated abroad, that their interests need special protection. It is not desirable, on grounds of universal brotherhood, to destroy the sentiment of patriotism.

In 1842, the first system of absolutely free education was authorized to be established in Detroit. Samuel Barstow and Dr. Zina Pitcher, and Douglass Houghton, were the most efficient movers in this matter, although sustained and aided by many worthy coadjutors. The schools were organized and advanced with much effort, until the removal of the Capital to Lansing enabled the Board of Education to establish a union school in the building which had been vacated, and which never belonged to the State. The other towns in the State had been equally anxious to advance their schools, and did so as fast as

possible. The superintendents of public instruction were zealous and energetic, and John D. Pierce, the first in time and not second in enlightened wisdom, has lived to see the system which he did so much to shape, carried out to completeness. He was followed by Franklin Sawyer, who was afterwards selected to organize the schools of Louisiana. The superintendents who have succeeded them have been faithful and valuable officers. The lands were early transferred to the keeping of the State Land Office, and the superintendents remitted to their more appropriate functions.

The collapse of the banking system, and the misfortunes attending the State management of internal improvement, led of necessity to a relinquishment of the latter, and a return to a specie basis. In 1842, the State reached a point where there was nothing left but to begin over again. The State scrip was called in, the suspension of specie payments rescinded, shinplasters prohibited, and economy introduced in all things—beginning notably with public printing, which was reduced to its narrowest compass, and included no documents not of permanent importance,—perhaps erring in this somewhat. A donation of 500,000 acres of lands for internal improvements was received from the United States, and aided more in saving past investments than in future expenditures. It has been doubted, however, whether, apart from the school and University

funds, the State has, on the whole, been a great gainer by the donations of land received from the United States. In some places they have no doubt hastened improvements. But, justly or unjustly, there have been several periods when the integrity of the management of many of the schemes which have absorbed them has been very much doubted, and in some instances their disposal has been fraudulent in the extreme.

In order to prevent any further extravagance, the Legislature of 1842 submitted, and the next Legislature and the people ratified, an amendment to the Constitution, requiring every law authorizing the borrowing of money on State stocks to be confined to a single and specified object, for which alone it should be lawful to use the money, and to be approved by a popular vote at a general election. A judicious exception to this (which if continued under the Constitution of 1850 would have saved much trouble) exempted from this necessity loans obtained to pay the actual executive, legislative, and judicial government expenses, and for suppressing insurrection, repelling invasion, and defending the State in war.

In 1839, the election changed the political control of the State, and placed it in the hands of the Whig party, William Woodbridge being Governor, and James Wright Gordon Lieutenant Governor. The Legislature had already been changed so far as to elect Augustus S. Porter as Senator, to succeed Lucius Lyon. The great

popular uprising which, in 1840, elected William Henry Harrison to the Presidency, had secured him a large following in Michigan, where many of his old friends and admirers of the Democratic party as well as Whigs voted for him. His unfortunate death, and the quarrels of Congress with his successor Mr. Tyler, produced a reaction, and John S. Barry, who assumed the Governorship in 1842, had a series of Democratic successors, until the organization of the Republican party in 1854, when Kinsley S. Bingham was chosen, and has been followed ever since by Republican Governors. Governor Woodbridge was elected Senator to succeed Mr. Norvell in 1841, by a coalition of Democrats with some members of the Whig party, who thus defeated Lieutenant Governor Gordon, the nominee of the party. Governor Woodbridge remained in the Senate during his full term of six years, after which he took no part in public affairs.

Governor Barry was so prominent during the remainder of his career, that few men are better remembered among our State officials. He was more popular in his later than in his earlier incumbency, and never appeared very anxious to seek popularity. His political views were somewhat extreme, and at times he became very obnoxious to his opponents on that ground; and many regarded his public economy as narrow and parsimonious. It is nevertheless no more than justice to his memory to vindicate him from this

charge. He has on more than one occasion manifested the most liberal views, where the public good required liberality; and it was due to the combined efforts of Governor Barry and Chancellor Farnsworth that the Insane Asylum at Kalamazoo was planned on a broad basis, instead of reduced to dimensions and surroundings which would have rendered it abortive. It is equally true, (as those who were familiar with his course while *ex-officio* presiding officer of the Board of Regents can testify,) that he was one of the best friends the University ever had, and that he never allowed political reasons to intrude where they did not belong. It never was the fortune of the writer to agree with Governor Barry in politics, but he cannot justly abstain from bearing testimony that he was not the mean man he has been sometimes supposed to be, and that the State and its institutions have derived lasting benefit from his rigid integrity and fidelity. When the resources of a State will permit liberal outlays for laudable purposes, parsimony may become reprehensible. But in Governor Barry's early official career, it required the utmost economy to preserve the public credit at all; and there was no time while he was in office when it was not desirable. The recent experiences of municipal plundering and venality in various parts of the country, and the waste of public property to enable knaves to outshine their honest neighbors, have not indicated any serious danger that exactness in guarding the



treasury is running to excess, or in need of discouragement.

At various times, from 1836 to 1842, treaties had been made with the Indians, whereby in the latter year the entire tribal titles had been extinguished, except as to a few special reservations. The Indians in the Lower Peninsula were mostly removed west of the Mississippi. It had long been felt that it was unjust to prevent them from having opportunities of civilization, which could only be obtained by giving them property to be held individually, and not by communities. The L'Arbre Croche Indians, as long back as the Pontiac war, had been a well-behaved community, and had prospered by honest industry. In 1844, the Legislature requested the Michigan Senators and Representatives to endeavor to procure for them the position of American citizens. In 1847, the privilege was asked that any Indians in the State might be allowed to pre-empt and retain such lands as they occupied and cultivated, on the same footing with others. It is not pleasant to notice that the persistent attempts of Michigan to secure to the original holders of the soil a chance to become civilized possessors of homes in the country of their fathers, have been thwarted. Although by the Constitution of 1850, the resident civilized Indians, who had separated from their tribes, were admitted to the privilege of voting, yet it was held by the United States Supreme Court, in *United States v. Holliday*, (3 Wallace, 40,) that it was impossible

for an Indian to withdraw from his tribal relations without the consent of the United States. As this must be accepted as law, it is time Congress changed it. While we assert the right of everybody else to go where he pleases, and to change his allegiance as often as he chooses, it seems that the guardianship of the government over these persons annihilates their free agency, and compels them to barbarism, no matter how much they may desire to escape it. This rule has a double action, which was very well exemplified in 1840, in the partially successful efforts of the British agents at the Manitoulines to draw over Indian colonists into Canada. They proposed to include the Michigan half-breed settlers as Indians, in their distribution of presents. In a meeting of Indians and half-breeds, in May, 1840, on the Canada side of the Sault, Shingwauk, the head chief, referred to this as a part of the scheme of such a colony. Addressing the American Indians, he said: "Whether the thing you ask from the British government will be granted or not, we do not know, but if the half-breeds will consent to be under us *as Indians*, we hope it will be granted. This is what our fathers told us. The half-breeds on our side have nearly all consented." Where the mixed blood is in even quantities, it is not irrational for Indians as well as white men to claim its allegiance.

A serious trouble arose in 1841, from the discovery that a considerable quantity of public

lands put in market, including eighty-one townships lying mostly north and west of the Saginaw Bay, had never been surveyed, but had been platted and returned on fictitious surveys. This discovery was first suggested by the State Topographer, Mr. Higgins, who found, in protracting his State map, that the lakes and water courses in the region in question presented the appearance of a very symmetrical tree, with leaves and branches so very regular that it seemed unlikely the country could be truly represented. The Legislature, in 1842, called the attention of the government to the fact, and to the fraud that would be thereby committed on purchasers whose lands were not to be found.

In 1840 Indian names were given to twenty-nine of the northern counties in the Lower Peninsula, many of which were names of distinguished chiefs, who had signed the treaties made at different times since the Revolution. In 1843, sixteen of these were re-named. In one case a Michigan Indian name was changed for a Florida chief's name, Osceola. Anamickee, or Thunder, the appropriate name for the county including Thunder Bay, (and the name of a chief,) was transmogrified into Alpena—perhaps a phonetic rendering of Alpina, if dime novels were then extant. Five were borrowed from Ireland, one from New York, one (Montmorency) might have been suggested from several quarters, and the remainder were of no special significance. Kishkauko, the patro-

nymic of the head chief of Saginaw for over a century, was exchanged for Charlevoix—a very proper name, but one which might have been dropped elsewhere as well. The reason for this is not known.

In 1844, an important step was taken, by securing to married women their property (real and personal) free from the control of their husbands. This has since been fixed by the Constitution.

The Legislature, for two or three successive years, expressed itself in favor of the annexation of Texas, and the assertion of the Oregon title up to fifty-four degrees and forty minutes of north latitude. That boundary was left unsettled by Mr. Webster in the Ashburton treaty of 1842, but compromised by Mr. Buchanan by the Treaty of 1846, in which it was brought down to the forty-ninth parallel. Unfortunately, the careless use of language created another ambiguity in the San Juan de Fuca boundary on the Pacific, which was recently decided in favor of the United States by the Emperor of Germany, after nearly thirty years' dispute. We have been singularly unfortunate in not getting our boundary treaties with Great Britain so as to make the lines definite and unambiguous.

In 1846, the State disposed of the Central and Southern Railroads, and ceased to own any public works, (as she has since kept aloof from them,) and left the building of railroads to private enterprise, which is much better adapted to their

management than the agencies of a republican government.

In that year the Mexican war broke out. While there was much difference of opinion about the acquisition of Texas, there was none about the duty of Americans to maintain their country against the assaults of her enemies. The call for volunteers was readily responded to, and the Michigan soldiers, both volunteers and regulars, did no discredit to the State. Resolutions were adopted by the Legislature in 1847, asserting the right of the United States, and urging the energetic prosecution of the war; expressing admiration for the conduct of the army on the Rio Grande and at Monterey; declaring it the duty of the nation to extend the free principles of the ordinance of 1787 over any territory which should be acquired, and voting money for the equipment of volunteers.

About this time a considerable change was made in the judicial system. For three or four years a majority of the legal business of the State was required to be brought into county courts, with elected judges, paid at first by fees, and afterwards by a discretionary salary from the county treasury. These courts were introduced on an idea that they would render justice speedily, cheaply and satisfactorily. In some counties able men presided in them, and gave satisfaction. This, however, was not so general as to be customary, and the method of doing business deprived par-

ties of some of the most important legal safeguards to the impartial selection of juries. Neither delays nor expenses were lessened, but, in the end, increased, as every needless intermediate tribunal has always been found to operate. They did not in many counties command respect, and became disorderly. When the constitution of 1850 was adopted they were, by universal consent, discontinued as worse than failures.

The revision of 1846 abolished the court of chancery, and transferred the disposition of equity cases to the circuit courts. This plan has worked very well—its only drawback being the incapacity of some county clerks to keep their records and business in proper shape, and the habit which sometimes prevails of unduly postponing equity hearings to accommodate the common law issues. Our system has become so far simplified that the unnecessary distinctions between law and equity have mostly disappeared, and equity proceedings are only flexible remedies to reach the cases which cannot properly be tried on common-law issues. Facilities exist for having juries pass upon such facts as may require it, without the old necessity of having them sent before another tribunal. It is very much safer to have cases of all kinds disposed of before courts familiar with all departments of the law. Those courts have always acted most judiciously where legal and equitable, and civil and criminal, questions are all subject to decision. To make any system of laws work well, there must

be harmony among all its departments; and specialists are often unsafe counsellors, because they give undue importance to their subjects, and magnify forms and multiply distinctions beyond reason, while they are peculiarly disposed to indulge in theories of conduct that ignore the infinite variety of human action.

The revision of 1846 began some valuable reforms in the rules of evidence, which have now been carried still further. Witnesses were no longer excluded from testifying by reason of interest, opinion, or character, but all such objections were made to go to their credibility; and juries and courts were allowed, if they believed their statements, to act upon them. The old rules were senseless, and well calculated to defeat the ends of justice. The only rules of exclusion that rest on real and sensible reasons of policy, are those which prevent parties from violating confidences, and from criminating themselves. The revision wisely recognized this, in protecting the confidences of patients to physicians, and religious confidences, as well as those of lawyers and clients, and in the domestic relations of husband and wife. The necessity of encouraging fidelity in confidential relations, is much greater than that of encouraging litigation; and rules which would destroy manly honor and private faith would be poorly compensated by the small occasional gain that might ensue to persons contending in the courts, by enlarging their field of inquisitiveness.

This revision also enabled parties in some cases to obtain the testimony of their adversaries in law courts, whenever it could have been obtained for the same purpose by bill of discovery in equity. This was only one step towards the entire removal of the disability of parties to testify like other witnesses,—a measure which has been approved by experience.

The greatest change in criminal law was the abolition of capital punishment. The previous laws in regard to felonies had, during the earlier Territorial days, confined the death-penalty to murder. This crime had then been divided into degrees. Murder in the first degree, which embraced only the more deliberate and cruel kinds of murder, was punished by death, while murder in the second degree was subject to a graduated and partly discretionary imprisonment. The crime of murder in the first degree was now made punishable by imprisonment for life, with no discretion to reduce it. The statistics of crime have never been so thoroughly intelligible that any one can determine very safely what effect this change has had. It is very doubtful how far the degree of punishment has any direct bearing on the minds of those who commit this atrocious crime. There is, no doubt, an indirect influence exercised on public opinion by all penal statutes, which reaches criminals and innocent persons alike, and produces some effect on their estimate of conduct. But very few have been known to calculate on



the measure of punishment, before committing homicide, or other violent assaults. There has been no popular or general expression which would indicate a desire to restore the death penalty, and it is questionable whether, if existing, it would be disturbed, if left to a popular vote. The change made in 1846 was not either demanded or condemned by the general sentiment. Murders had not been common in the State, and then, as now, whatever opinions there were upon the subject were not the result of study or experience, but rather of pre-existing ideas and differing theories. The circumstances of individual crimes are so different that criminal statistics are among the least valuable means of reaching safe conclusions on the relations of crime and punishment; and few subjects attract less public attention than the bulk of criminal legislation. The Criminal Statutes of the United States have seldom called forth any debate in Congress, and State laws of the same kind are very apt to be adopted without much discussion. A change so radical as the removal of the gallows from among the instruments of punishment could not fail to create much comment; but it did not elicit any full expression of popular feeling.

The Supreme Court, which began with three judges, was increased in 1838 to four, and in 1848 to five; and in 1849 a constitutional amendment was proposed, (and afterwards adopted) making them elective.

The Upper Peninsula, although the Indian title was extinguished in 1842, remained unsettled for some time. The want of shipping on the lake prevented the development of business, and the want of business prevented the building of vessels. Without a canal to give communication below, it seemed likely the opening of this country would be indefinitely postponed. Year after year the Legislature urged the matter before Congress, and more than one effort was made to secure a right of way for a corporation to build the canal. Some malign influence balked every effort, until one might imagine the Military Reserve and all its surroundings were too hallowed ground for commerce to tread. In the face of these obstructions, nothing was left but to wait patiently until interests should appear, which would be influential enough to overcome the mischief.

A first essential to settlement was a complete survey of the lands, or of enough to furnish a foothold for business. The early explorations of Dr. Houghton had determined the true character of the mineral region, but his revelations were so remarkable as to disturb scientific theories, and that was a serious affair not to be lightly accepted. In his earlier excursions he found it impossible to make complete surveys upon the ground, because the compass-needle was subject to such great and varying fluctuations as to render it inefficient. This difficulty was removed by the genius of a Michigan scientific inventor, William A. Burt, who

had been for many years prominent as a government surveyor and engineer, and who devised a simple and elegant instrument which was independent of magnetic disturbances. This was the now well known solar compass. This remarkable invention not only furnished the means of determining at a glance a true meridian, but had combined with it various other functions, which made it, in a compact form, one of the most useful pieces of scientific mechanism ever put together. By means of this the work of the mineral land surveys became easy and accurate. At the same time Dr. Houghton devised another plan—so simple that the stupidity which failed to appreciate it is marvellous—of combining the linear with the geological survey, and carrying all on together. This would be more economical than any other, and would locate with exactness every important discovery.

The public surveys in Michigan were carried on under a system devised originally for the Northwest Territory. A principal meridian line was first run, and a principal base line upon a parallel of latitude. All the surveys were made so as to be reckoned east or west of the meridian, and north or south of the base. The survey district was divided off into townships, nominally six miles square, but always narrower at the north than at the south side, because of the convergence of the bounding meridians. Each township was divided into thirty-six sections, nominally one

mile square, but really affected by the same convergence, except that, instead of the loss being distributed equally among all the sections, it was thrown upon the north and west sides of the township. The more rapid convergence of the lines as they approached higher latitudes rendered it necessary to adopt at intervals new, or correctional bases, from which to run the town lines northward. Each section was divisible into sixteenths, but was not usually surveyed in fact into these minute divisions, but lines were run at half mile intervals. Dr. Houghton's plan was to have on these lines, or on still more frequent subdividing lines when necessary, notes taken of everything of geological value, and of its exact position, and if not exactly on the line, to have its bearings and distances noted. In this way, when the maps were made up from the surveyor's notes, every mineral bed or other important object would appear in its exact place, and could be located and followed up without difficulty at any time, if a more thorough examination by the geologist should be required, without loss of time, in new explorations. Mr. Burt, who was a good explorer and a man of science, at once appreciated the value of this plan. Dr. Houghton succeeded in obtaining authority from the General Land Office to try its efficacy, and undertook the survey in person, in company with Mr. Burt, and other competent assistants. The work was done with the facility and exactness which he anticipated. But at the close

of his first season, on the 13th of October, 1845, Dr. Houghton was overtaken by a storm while in a small boat near Eagle River, and perished. All the important notes of his season's work were lost with him. His death was deeply mourned throughout the State. It was an irreparable loss to the Upper Peninsula, for his place was not filled by those who partook his views or believed in his plans; and a system which with diligence and sagacity was feasible, and in all respects admirable, was dropped. All the subsequent explorations have been independent and fragmentary.

Enough was now known to stimulate mining enterprise. The United States, in advance of further complete surveys, issued permits or licenses to locate tracts of land for mining purposes, and leases were granted of these locations, which were surveyed in a rectangular form, but seldom exactly conforming to the survey lines subsequently established. Companies were formed to work these locations, and the remarkable developments soon created a great excitement, until mining companies furnished a greater source of speculation than wildcat banking. Nevertheless the companies very generally were got up for actual mining, and spent much time and money in developing their property. The earliest companies were not incorporated. In 1847, the Legislature remonstrated against the action of the government in leaving the rights of these lessees in a condition of uncertainty, and urged that such action be had as

to remove doubts as to their title. The lands were afterwards sold and conveyed in fee simple.

The supplies to the early mines were taken up to the Sault by vessels or steamboats. There they were carted, and afterwards carried upon a short tram-railway, to the head of the rapids, and taken further by coasting boats, until a vessel or two could be obtained. The first propellers and steamers on Lake Superior, were moved past the Rapids in a sort of cradle or frame, on rollers. In 1851, or 1852, the last of these steamers, the *Sam Ward*, was taken over in the same way. From the landing places the supplies were taken back to the mines on pack-horses or mules in summer, and with dog-trains or sleds in winter. The mineral, until roads were made, came down to the landings chiefly during the winter on sleds.

The enormous expense of supplies, and the loss of money by inexperience and extravagance, rendered most of the first enterprises costly, and many of them were ruinous. But the spirit of enterprise was proof against all these trials, and the country became a scene of busy labor and great activity. Its early settlers, as was natural in such a region, were men of intelligence and enlarged ideas, and their influence has been permanent. Few countries have had a larger share of valuable citizens, or a smaller number of drones or paupers.

After the sale of the railroads, and the renewal of activity in business, which had begun to

bring out the public resources more evidently, the attention of the people was turned to some objects which had been neglected, chiefly from want of means. At this time the penitentiary at Jackson was the principal institution directly maintained by the State. The number of persons disabled from ordinary pursuits began to attract consideration. In 1848, preliminary steps were taken to provide asylums for the deaf, dumb and blind, and for the insane. Commissioners were appointed to select locations, and erect buildings, and put the institutions in operation; and eight sections of salt lands were appropriated. At that time the number of such asylums in the United States was not large, and their requirements were not well understood. The Board determined, before doing more, to get such a thorough knowledge of the different asylums as would enable them to act discreetly, and to secure such further appropriations as they should find necessary. Chancellor Farnsworth visited in person all the institutions of that kind in the United States. Dr. Pitcher and Mr. Bela Hubbard had made a study of the treatment of insanity, and were well informed upon the condition of the principal asylums. The Insane Asylum had received liberal offers at Kalamazoo, including a tract of ten acres, which was by many supposed to be large enough. Governor Barry and Chancellor Farnsworth secured the selection of one hundred and sixty acres, by agreeing to retain it if not confirmed, and finally it was wisely

determined by the Legislature to appropriate enough not only to procure this land, which was a good bargain, but to build a very different building from what at first they had been disposed to provide for. In due time it was finished and equipped, and, under its accomplished superintendent Dr. Van Duzen, has been well managed and very successful in curing or alleviating the maladies of many patients, whose lives have been lightened by its kindly ministrations. The Asylum for the Deaf and Dumb, and the Blind, was established at Flint under similar precautions, and has done great good.

The University graduated its first academic class in June, 1845. Thereafter it continued to grow steadily. In 1848, the Medical Department was organized, which in a few years took rank with the best in the country. The union school system was becoming popular, and it was found important to provide a training school for teachers. Normal schools were as yet experimental, and the statute of 1849, which established the State Normal School, gave to the Board of Education a wide discretion as to its system. Its object was not only to impart such knowledge as would benefit teachers already well educated, but to educate them. Instruction was also to be given in the mechanic arts, in agricultural knowledge and science, and in the fundamental laws of the country, and other matters bearing on the duties of citizens. This school was established at Ypsi-



lanti, and has been continued on a comprehensive plan, which is undoubtedly wiser than confining it to the machinery and tactics which to some minds seem to make up the equipment of teachers. The Board of Education was found to be a valuable body for other public purposes, and has succeeded to a large course of duties.

In 1843, the State lands, apart from the educational and special funds, had become important property, and a State Land Office was established, which had control given to it of the entire body of State lands, whether held in trust or otherwise. The Superintendent of Public Instruction was relieved from the care of lands. The office was fixed at Marshall, where it remained until removed to Lansing, under an act of 1849.

Several colleges were from time to time created under special charters, in different parts of the State. Some of them became quite successful and some still remain so. The great portion of them never kept up their organization.

The Constitution of 1835 left the temporary location of the State Capital subject to legislative discretion until 1847, when it was to be permanently located. When that time came there was much difficulty in agreeing upon any of the existing towns, several of which received considerable support, but none a majority. A suggestion was finally made to locate it near the geographical centre of the State, without selecting a town of present importance, and it was fixed in the town

of Lansing, in Ingham County. Proposals had been made by parties interested in that township to procure its location on their lands. The Legislature determined, however, to require its location by disinterested commissioners, who might consider the proposals made by those parties or any others, but were to act on their own best judgment. The school section in that township had not been sold, and, as it was a very eligible spot, it was determined to place the Capital there. This not only gave the school-fund the benefit of having the seat of government laid out upon it, but was probably as good a choice as could have been made. The position is handsome and well adapted to a city. Although its isolation retarded its growth, it is now increasing rapidly, and in the road to prosperity. A Capitol building was put up in a very few months, and intended to serve but a temporary purpose; while a larger and finer building-site was set apart for the future permanent edifice. Fortunately the temporary building was retained until the State was disposed to substitute another worthy of permanence; and before the end of the coming year the entire business of the commonwealth will be centred in a large and stately Capitol, fair in its proportions, and having, if as well managed hereafter as heretofore, no reminder of fraud or speculation to mar the popular pride in the undertaking. All the moneys devoted to it have been honestly and faithfully expended.

There were several circumstances which led the minds of the people towards a revision of the Constitution. It could have been amended easily, but it was supposed a new instrument might be made more homogeneous. Probably the chief cause of the change was the vague desire that sometimes gets abroad to revolutionize or alter affairs, without any fixed plan or object. Other States had made sweeping revisions, and Michigan should follow them. There were, nevertheless, some subjects on which there had been agitation and warmth. -H

By amendments already in force, the power to borrow money had been much circumscribed, and the cabinet officers as well as judges had been made elective, thus divorcing the Governor from the rest of the executive department, and destroying his chief executive function and responsibility. It was still claimed that he had influence remaining that might be used corruptly or unfairly for his own benefit, and that the Legislature were also exposed to sinister influences. The charges which were bandied about, if they had any force, would almost go to demonstrate the failure of free government entirely. But, such as they were, they had some weight in the adoption of a constitution, with many very good features, but which intimates from first to last that no one is to be trusted.

The abuse of the appointing power had been prevented by taking it away. But there is little in the history of Michigan to indicate its abuse. There had been a series of senatorial elections,

which are not believed to have been the result of any peculiar executive influence, but which were in the heat of discussion charged to that, and which led to a constitutional inhibition against the selection of a governor as senator. This, however, has been regarded as beyond the popular control, and inoperative. The succession of the Senate is a proper item of State history, and was as follows. As already seen, Lucius Lyon and John Norvell were elected Senators in 1835. By the allotment in the Senate when they were admitted, Mr. Lyon's term was made to expire in 1839, and Mr. Norvell's in 1841. The Legislature of 1839 elected Mr. Porter, a Whig,—Mr. Mason, the Governor, being a Democrat. In 1841, the Whig Legislative nomination was given to Mr. Gordon, the Lieutenant Governor; but a secret arrangement was made by the Democratic members with some Whig members to support Governor Woodbridge, who was elected. The next vacancy occurred in 1845, when the Democrats were in power, and John S. Barry was Governor. Mr. Porter, of course, was left out. General Cass had returned to Michigan, and had been in 1844 prominent before the Democratic National Convention as a Presidential candidate; and, through Mr. Van Buren's influence, had been defeated by Mr. Polk. He was so manifestly the proper man for senator that he was elected at once. In 1847, when Governor Woodbridge retired, Alpheus Felch was Governor. He had been Auditor General and

Judge of the Supreme Court, resigning his latter office upon his election as Governor, in the fall of 1845. The Legislature of 1847 elected Governor Felch to the Senate. This was the second instance of a governor thus honored.

In 1847, Epaphroditus Ransom, then Chief Justice, was elected Governor, and assumed his executive duties in January, 1848. General Cass was that spring nominated for the Presidency against General Zachary Taylor, and resigned his seat in the Senate. The Legislature was not in session, and the power of appointment fell to the Governor, who appointed Thomas Fitzgerald to fill the vacancy until the Legislature should meet. It was then thought, by those who anticipated the election of General Cass, that Governor Ransom would become the colleague in the Senate of his predecessor in both offices, Governor Felch. General Taylor's election, as it did not change Michigan politics, left General Cass again the most suitable choice for the Senate, and he was again elected by common consent. No other Senatorial elections took place until after the new Constitution took effect.

In these cases Governor Woodbridge was elected by the opposing party, and Governor Felch never was suspected of being elected on any ground but his fitness for the place. The fear that one office would be used to obtain another, was not based on any actual success of that kind. But when people become suspicious,

and look out for grievances, any hint will arouse their suspicions.

Another evil was more obvious. The existing Constitution prevented general corporation laws, and no corporation could exist without special charter. In the early days of the State, railroad and bank charters were given to any one who asked them, and so were charters for all purposes. These charters contained no personal liability clauses, and were generally very ill-guarded against abuse. As contracts, they had become irrevocable. A host of banks had failed, and now there were not over about half a dozen in the State, and their charters were approaching an end. There was a great popular fear of their multiplication, and some jealousy of their renewal. The new railroad companies had been given very liberal charters when they bought their roads from the State, and there were strong assurances against competition. As the necessity for new roads arose, there were difficulties about securing charters. It was found that at each session the Legislature was beset by an importunate and aggressive lobby, who became an intolerable nuisance, and threw suspicion on the honesty of every thing they favored. Charges were freely made of corruption, and a decision, either for or against a corporate interest, was subject to be impugned. All these scandals arose from corporations under special charters, or persons desiring or opposing the grant of new charters. A very

general feeling was aroused in favor of changing this system, and making provision for general corporation laws, creating no individual privileges.

These and other less defined discontents led to the calling of a new Constitutional convention, which met at Lansing in 1850, and prepared the Constitution under which we now live, which was adopted by popular vote, and took effect on the first of January, 1851.

The period between the Mexican war and the adoption of the Constitution of 1850 was largely taken up with discussions on the question of slavery in the Territories, and this postponed the civil government of New Mexico, and California and the other acquired lands, until settled by the Compromise of 1850. The Michigan Legislature passed repeated and strong resolutions in favor of suppressing the slave trade in the District of Columbia, and preventing its existence in any of the acquired territory. In 1850, the admission of California as a free State was insisted upon, and the question of passing measures of harmony was entrusted to the discretion of the Senators and Representatives in Congress. This resolution and one in favor of the free navigation of the St. Lawrence, closed the work of the last Legislature under the old Constitution.

## CHAPTER XVI.

### MICHIGAN UNDER THE CONSTITUTION OF 1850.

THE Convention which met in 1850 agreed upon a constitution, some parts of which were re-enactments, although in different language, of what had already been in force. Some very important changes, however, were introduced, and some remarkable restrictions.

The judicial system was changed by making, for the present, eight circuit judges, (whose number might be enlarged) with supreme court powers, instead of supreme court judges with circuit powers. The judges were to hold office for six years, and the courts were to have law and equity powers. County courts were abolished, and the jurisdiction of justices of the peace was raised to three hundred dollars, with power to increase it to five hundred dollars—subject to such exceptions as should be provided by law. After six years, a separate supreme court with four judges, was authorized to be created. The Upper Peninsula was under the jurisdiction of a district court, which might ultimately be changed to a circuit court. Grand juries were not abolished, but it became lawful to dispense with them. Im-



prisonment for debt, except in cases of fraud and fiduciary or official misconduct, was forbidden.

The sessions of the Legislature were to be held once in two years, instead of annually, and both senators and representatives to be chosen for one legislative term. Representatives were to be elected from single districts, except that in cities and townships entitled to more than one member, all were to be chosen by one ticket. Special acts of incorporation could no longer be passed except for municipal purposes. All other than municipal corporations were to be organized under general laws. Every law was required to be confined to a single object, specified in its title, and not to take effect within ninety days after the adjournment of the Legislature, without a two-thirds vote of all the members elected to each house; and the yeas and nays were required on the passage of all statutes. Amendments could only be made by re-enacting at length the section as amended. No private claim could be audited or allowed by the Legislature, and a two-thirds vote was required for every act appropriating money to private or local purposes. License laws for the sale of intoxicating liquors were forbidden.

All revenue for ordinary purposes was required to be raised by annual taxes, but specific taxes on corporations were to be applied on the State debt, and after its extinguishment paid over to the primary school fund. All interest on the educational trust funds was payable out of specific

taxes. No debts (except for war purposes) could be incurred beyond fifty thousand dollars, and the State could not aid or be interested in either corporate stock, or works of internal improvement, except in expending grants for the latter purpose. State credit could not be loaned or granted in aid of persons or corporations. Taxes (not specific) were to be levied on property assessed at its cash value.

Agricultural leases, upon rents, were confined to twelve years, and corporation lands, except where used for corporation purposes, could not be left unsold beyond ten years. Careful guards were placed upon the subjecting of private property to purposes of public utility.

No revision of the statutes was to be made, but compilations of existing laws were permitted. This was done by Judge Thomas M. Cooley, in 1857, and by Judge James M. Dewey in 1871.

All State and judicial officers were made elective, subject to impeachment for misconduct. Judges were made removable, on the concurrent resolution of two-thirds of both houses. By a subsequent amendment, other State officers were removable for misconduct, by the executive.

The Governor had, as before, the qualified veto power, and a power to reprieve and pardon after conviction, (except on impeachment.)

The elective franchise was originally confined to white male citizens, and persons who had

declared their intentions to become citizens six months before election, and resided in the State two years and six months. Civilized native Indians not connected with any tribe could also vote. By subsequent amendment, the word "white" was stricken out, but an amendment permitting women to vote was defeated.

The school funds were provided for as before, except that the ultimate destination of specific taxes and of the proceeds of escheated lands, was to be added to the primary school fund. Free schools were to be kept in each district, at least three months in the year. Provision was made for an agricultural school, for benevolent institutions, for the Normal School, and for public libraries in every township, and all fines for the breach of penal laws were devoted to these libraries.

The University was put under an elective board of regents, consisting of eight members, elected at the same time and in the same districts with the circuit judges, except that the vote of the Upper Peninsula was attached to that of the third circuit. In 1863, the Board was made elective by the State at large, for terms of eight years, two members retiring every two years.

Homestead exemptions of property to the value of fifteen hundred dollars, (not alienable or subject to incumbrance except by joint act of husband and wife if belonging to married persons,) were secured; and the property of married women was

secured to their sole use. Aliens *bona fide* resident were given the same property rights as citizens.

Salaries of circuit judges, legislators, and executive officers, were permanently fixed; and several provisions were adopted to exclude them from leaving one office for another. Stationery allowances to the Legislature were limited, and public contracts were confined to the lowest bidders.

This Constitution was much more specific than that of 1835, and some of its provisions, — especially in regard to salaries, — have been found troublesome. The guards against loans beyond fifty thousand dollars, to meet revenue deficiencies, were, on one occasion, when the treasury was depleted by embezzlement, only prevented from ruinous mischief by private liberality.

The history of the State, since the new Constitution was adopted, has been prosperous but not eventful, and there have been few striking occurrences. Its release from the dangers of debt and extravagance in public works, has left the public business chiefly confined to the legitimate oversight of the general interests. The expenditure of grants of land for various works of improvement has involved some trouble and difficulty, but no considerable pecuniary dealings. There have been no home disturbances to break in upon the public tranquillity, and not many cases of gross official misconduct requiring the interposition of the criminal laws. Nevertheless the course of

affairs contains some things worth recording as important if not remarkable.

Under the Constitution, Governor Barry continued in office until 1852. In 1851, an election was to be held for a Governor to hold a single year, until January, 1853, when the regular biennial term was to succeed. Robert McClelland was elected for the short term, and re-elected for the next two years, (1853-4,) and Andrew Parsons was elected Lieutenant Governor. These were succeeded by Kinsley S. Bingham in 1855, Moses Wisner in 1859, Austin Blair in 1861, Henry H. Crapo in 1865, Henry P. Baldwin in 1869, and John J. Bagley in 1873.

The sessions of 1851 were mostly devoted to such legislation as was necessary to accommodate matters to the changed Constitution. Attention was, however, called to the increased necessity for a canal round the Falls of St. Mary's River; and Congress was addressed upon the subject. Resolutions were also passed, both in 1851 and in 1853, calling upon the United States to protect the Ottawa and Chippewa Indians in their Michigan settlements, and asserting their quiet character and advancement in industry and civilization. The swamp lands which had been offered upon certain conditions by the United States were also accepted. By a series of laws since passed, these lands have been brought into market, made accessible by roads, and largely disposed of to settlers on liberal terms. Many if not a majority of these

lands have become or will become habitable, and valuable.

In 1852, the United States granted 750,000 acres of land to build a ship canal at the Sault de Ste. Marie. The State let the contract to responsible parties, for the appropriation, and the canal was at once put in course of construction, and finished in the spring of 1855. Its effect was immediate in reducing mining expenses, and in furnishing inducements to open and settle the country. The towns began at once to increase, and the subsequent growth of the iron and copper regions was rapid. The work has since been enlarged and improved at the expense of the United States government.

In 1859, reports were received leading to the belief that an easy communication could be had with the Pacific by water ways and natural roads, requiring no improvement. It was stated that a gentleman had come over from Puget's Sound to St. Paul in a wheeled vehicle, in a very short time, having met with no obstacles whatever to hinder his journey. After examining into the facts, the Legislature memorialized Congress to establish a tri-weekly mail between St. Paul's and Puget Sound. The Northern Pacific Railroad had not then been thought of.

The Upper Peninsula, as already suggested, was for a time connected with Wayne County, for the purpose of electing regents of the University. This arrangement was made because, al-

though geographically distant from Detroit, the business connection was closer than with any other part of the State. This led to another arrangement, made on the same grounds of convenience. In 1853, the Counties of Emmet and Cheboygan were organized. Under the new Constitution they could not longer remain connected with Mackinaw, as that was in the Upper Peninsula, and no other organized county was convenient. They were accordingly attached to the Third Circuit. But the real purpose of some of the parties concerned arose out of a remarkable condition of affairs. The Beaver Islands, in Lake Michigan, were anciently the principal seat of the nation of the Beavers or *Amikoué*, a tribe at one time held in very high esteem, as supposed to be descended from the Great Beaver. He was a mythological being held second only to *Michabou*, or the Great Hare, the most powerful spirit in the catalogue of Indian divinities. When the remnant of the tribe retired to Manitoulin Island, in Lake Huron, they were succeeded in their old home by a band of Ottawas, who in Charlevoix's time had become good farmers, and emulated the Hurons in agricultural labors. During the Pontiac war it was in close union with the settlement at L'Arbre Croche, and was then, as it was long after, a place held in some sort of mysterious reverence. By the Treaty of March, 1836, with the Ottawas and Chippewas, the Beaver Islands were specially reserved for the Beaver Island Indians, The

Senate, in confirming this reservation, with others, undertook to limit it to five years, unless permission was given by the United States to remain longer. If made with white men, this would be regarded as a somewhat singular method of dealing with treaties, unless subsequently ratified. How far any steps were taken legally under this change in the treaty it may not be easy to determine. But in 1847, a township was created called the Township of Peaine, including the Beaver Islands as a part of Mackinaw County, and establishing the place of meetings at Beaver Island Harbor, "at the store of A. Cable." The Constitution of 1850 placed all the islands in Lake Michigan in the region known as the Upper Peninsula. But in 1853 the County of Emmet (formerly named Tonedagoné from a chief of note,) was organized, and the Township of Peaine was expressly recognized as a part of it. The county was attached to the Third Circuit, and the judge of that circuit held court at St. James, the principal settlement and county seat, on the largest Beaver Island. In 1855, Manitou County was organized, out of the various clusters of islands in the northern part of Lake Michigan; and St. James was made the county seat until another was provided. In 1871, after having been organized six years, the county was attached to Mackinaw for court purposes, "until other provision is made by law for holding a court in said County of Manitou." In 1865, it was attached to Leelenaw. It has since become independent again.



To understand this curious handling, it may be explained in part by the colonization of the islands. While there were some settlers on Beaver Island, who, whether rightfully or wrongfully there, were carrying on business peaceably, fishing and trading, and in some instances farming, their quiet was disturbed by the arrival of a considerable body of Mormons, who had seceded from the main body, and had come to establish a kingdom in the old seat of the Indian Manitou. Their monarch was King James the First—known to other mortals as James J. Strang. He established his court at St. James, and became an autocrat. The unfortunate Gentiles, who had no legal title to their lands, but who were probably expecting to preempt them, were crowded off the island, and treated as roughly as it was safe to treat them, being robbed in such a way as to render it difficult to establish any case against the wrong-doers. Here for a time the isolation of the islands rendered it easy to carry out the royal plans, and the domain became in a certain sense prosperous under its politico-ecclesiastical monarchy, which absorbed a lion's share of the gains. Good stock was introduced,—a newspaper established,—and the press used for home purposes. Outsiders were not desired or welcome. This state of things first came into notice when the fishermen of Mackinaw, and others engaged in various interests, came in collision with the islanders; and a bitter feud arose, but the Mormons held their own. No

adequate means existed for bringing them to justice, by reason of some doubts touching their legal jurisdictional position; and the local offices were all in the hands of the faithful, so that redress was hopeless there. At last a case was got up against them for an alleged interference with the United States mail; and the armed steamer Michigan was sent up from Detroit, with officers to arrest Strang and some of his chief followers. The complaint, however, was not legally well-founded; and although the proceedings disclosed much that was not creditable, and many of the island people were shown up in an unpleasant light, it did not appear that they had violated the laws of the United States. Strang, as might have been expected from his influence over the people, turned out to be an intelligent and well educated man, of pleasing address, and free from any offensive ways among strangers; and he became personally popular with those who met him. He improved his time by becoming well informed on his legal condition and prospects, and appeared at the next Legislature as member from Emmet. He then procured the legislation which completed its organization, and detached it from Mackinaw, where everybody was hostile. His demeanor in the Legislature was such as to command respect, and he was reckoned a useful member. During the interval before the next Legislature, the feelings of the neighboring fishermen became very bitter, and the general course of things did not

change. But at last Strang was murdered, while entering the steam ship Michigan, which was lying at the wharf on the island. After his death, the people of the mainland revenged themselves on his followers by an organized raid, in which nearly everything removable was carried off as booty, and confiscated, or in the phrase of the captors, (borrowed from some former unpleasant island experiences of their own when they were victimised) "*consecrated*." The island was now in the Upper Peninsula District, and in the absence of any organized county government it was difficult to dispense justice there. Attempts were made at Mackinaw to bring the spoilers to a reckoning, but the prosecutions all failed for lack of evidence, and might also, perhaps, have been affected by public prejudice. As lawlessness had only prevailed against what was believed to have been quite as bad or worse lawlessness, the result was not as shocking to the popular sense of justice as it would have been under other circumstances. The plunder included some valuable and expensive property,—among other things several handsome boats, and the largest and finest mules that were ever seen in the State. The subsequent legal condition of the islands, harried and abandoned, is easily accounted for, and their practical outlawry was not singular.

The whole upper country was for many years shut out from easy access, from seven to eight months in the twelve. The law required two

terms of court to be held in each year, in every county, and of course these came quite near together; while, between the latest fall and earliest spring or summer term, there was a very long interval. They were fortunate in obtaining, in the Honorable Daniel Goodwin, a judge of great legal knowledge and experience, who did business promptly, and was seldom appealed from. Neither judge nor bar resided in the Upper Peninsula; and from November till May or June, legal proceedings were often left in very inexperienced hands. In a scattered population, containing very few legally qualified as jurors, it was sometimes troublesome to fill a panel of either grand or petit jurors who were both competent and disinterested. No county buildings were furnished in some of the counties, and in some the prison was unfit for winter habitation, if they had one at all. Accordingly it was inevitable that many irregularities should exist, and that the people winked at things which they could not improve. In one county a serious riot occurred in midwinter, where the case went beyond the powers of a justice of the peace; and a worthy gentleman who was circuit court commissioner assumed the duty recommended by the old saw, *est boni judicis ampliare jurisdictionem*, and tried and sentenced the offenders to a long imprisonment. As he was the only one who could issue a *habeas corpus* in the absence of Judge Goodwin, the imprisonment was as effectual

as if it had been legal; and as it was deserved, the sentence was popularly approved. An action for false imprisonment was defeated by the removal of the defendant beyond any temporal jurisdiction; but the damages likely to be assessed by a jury of citizens for shutting up the disturbers of the peace would not have impoverished him if he had lived. A young Indian charged with murder (committed, if at all in an Indian carouse, and not aggravated) was allowed to go at large without bail for several terms, and regularly appeared promptly for trial until his case was heard. He was wofully ignorant of the customs of the whites in similar circumstances. Speedy and irregular remedies were not much blamed where there was great provocation; and the dangers of drunkenness among miners, which rendered it necessary to keep liquor-sellers away from the locations, sometimes led to their expulsion in a way more summary than comfortable. With such temporary variations from the regular process of law, there was a general respect for substantial justice, and for the judgments of competent tribunals, and no disposition to lawless wrong.

In 1853, a prohibitory liquor law was passed which was made to depend upon a popular vote, and was therefore regarded as not legally enacted. In 1855, a similar act was adopted by the Legislature, without popular intervention, and sustained. It continued in force until repealed in 1875, and

replaced by a series of taxing and regulating statutes, which have been much more faithfully enforced, and have accomplished much good.

The new board of regents of the University were required to appoint a president, who, in addition to his duties in the college, was to be chairman of the regents, but without a vote. They selected the Rev. Henry P. Tappan, D.D., an accomplished scholar and able man, who remained in that post until 1863, when, after a prolonged controversy with the regents, arising mainly out of differences as to the prerogatives of his office, he was removed. His place was filled by the appointment of Rev. Erastus O. Haven, D.D., who in turn, upon resigning, was, (after an interval during which Dr. Frieze was acting president) followed by the present able and estimable incumbent Dr. James B. Angell. During Dr. Tappan's administration, the University was more completely organized, several important changes were devised to enlarge and vary its courses of study, and it made great advancement. An observatory was contributed by private subscriptions, chiefly by his procurement, and the library, museums, and other accessories, were increased and improved. His plans were liberal, and his aims were very high. The University has been conducted in the main according to the views with which he had planned to conduct its scholastic courses, and its success is largely due to his liberal ideas. The unpleasant

difficulties which terminated in a change of presidents, necessarily led to much controversy and heat, among those who did not view them in the same way, nor understand all the facts alike.

In 1859, the law department was added, which completed the original scheme. Its principal aim is to teach the law in its various branches as now developed in this country from a common-law origin, historically and scientifically as well as practically. Its success has been satisfactory, and its pupils, who have been received from all parts of North America, as well as occasionally from foreign parts, have furnished their fair proportion of men of note, and successful lawyers. The faculty first chosen consisted of Thomas M. Cooley, Charles I. Walker and James V. Campbell, all of whom were then or since on the State bench. Judge Cooley has become eminent as a legal author. Judge Walker has, in addition to professional eminence, rendered great public services in various departments of social science and philanthropic labors and researches, and has exceptional familiarity with the history of the Northwest. Professors Pond, Kent and Wells are also distinguished and scholarly lawyers.

The University fund, in 1837, received a loan from the State by an advance of \$100,000 of bonds, the proceeds of which were used in building and other preliminary outlays. Interest on this had been deducted annually from the income of the fund. By a transfer to the State of the

property in Detroit, now occupied by the city hall, and by the sale of a large amount of lands for interest-bearing State warrants which were cancelled, this debt had been reduced, and probably more than paid; but, either from misapprehension, or as was claimed, from a re-statement of the account, this interest, after the removal of the Capital and the re-organization of the State offices at Lansing, re-appeared as an annual charge, to its full original amount of six per cent. on \$100,000. The Legislature of 1853, without attempting to settle the obscure facts, directed a remission of the interest for two years, which was afterwards made permanent. In 1867, a tax was authorized in aid of the University, of one-twentieth of a mill on the dollar, which has since been continued, under a limitation that it shall not exceed \$50,000 before the year 1881, when a new equalization of assessments will be made. In 1871, Governor Baldwin urged the claims of the University very strongly upon the Legislature, and an appropriation was made to build a central university hall, which has since been completed. Governor Bagley was instrumental in procuring further appropriations to complete the hall, and meet other pressing necessities.

The position of this institution, which is a necessary part of the system of public education, and which has been, nevertheless, mainly fostered by the United States endowment, will undoubtedly secure it liberal treatment in the future, and



place it, where it ought to be, as a thoroughly State institution, necessary to State prosperity, and entitled to the same liberal support which is due to all public instrumentalities that serve high and useful purposes.

There have been some subjects of warm discussion which are now mostly settled. For many years a desire was felt by those who approve the homœopathic system of medicine, and who compose a considerable body of citizens represented in the Legislature, to have provision made for instruction in their tenets. The difficulty of introducing opposing systems into the same institution prevented for several years a pleasant solution of the question. By establishing a separate school at the University for teaching the views of homœopathy, so far as they do not harmonize with other medical teachings, and by taking away from every professor any danger of responsibility for views which he does not approve, all reasonable ground for trouble seems to be removed, and justice is done to both systems.

The education of women in the University was also introduced after long doubting. When the controversy first arose, the Michigan University was found to differ from most of the colleges in the country in furnishing no rooms or boarding facilities to students. These were all expected to procure board and lodging for themselves, and resort to the University only for the purposes of attending recitations, lectures, and public exercises,

or for consulting books in the library. The adverse views of nearly all the other college faculties did not take this into the account. Most of the objections urged against the education of women and men in the same classes were theoretical, and many were inapplicable to such a state of things as existed in Ann Arbor. The experiment was one which could not have been long postponed without creating worse difficulty, and it was felt that if it failed, after a fair trial, it could not at any rate do any serious harm to try it. The branches of the University had female scholars, and our union and high schools had found no trouble in teaching them. The experiment has been entirely successful. The ladies who have entered the University have been equal in all respects to their tasks, and have not been kept behind by either mental or physical disabilities. They have been treated with delicate respect by their associates, and have been entirely independent of any unwelcome companionship. The learning which sat so gracefully on Lady Jane Grey and Mrs. Somerville, and did not prevent the fair Professors of Bologna from possessing any of the feminine accomplishments, cannot unsex their successors now, and is as wholesome and harmless discipline, to those who choose it, as any other pursuit can be. And if there are men who think unworthily of women, or women who deserve no admiration, neither of them are likely to fall into such unworthiness in the pursuit of

sound learning. The accomplishments which produce no refinement are not those of the college class room.

The admission of women to the study of medicine has been so admirably approved by its results, that all who are not prejudiced beyond reason perceive how much has been gained by it.

There is one decided advantage among female students. None go into any of the departments of a university for the mere name of it. There are no attractions for any but those who wish to improve their faculties. It is not likely they will ever attend in as large numbers as men. But those who do enter will probably—as they certainly have done heretofore—keep fully even with their classes.

In 1855, the first steps were taken towards establishing a separate place of detention for young offenders. It has gone through different experiences, and has not been uniformly managed. In many cases, courts and magistrates have apparently lost sight of the rules of law which prohibit the punishment of children as criminals until they have reached years of discretion, and have allowed them to be convicted of crime when it was wickedly absurd to hold them to any such responsibility, and was in plain violation of elementary rules of law. The gentlemen who have had the duty of managing the institution have been usually humane men, and have devoted time and patience to bringing good from the

system. As at present conducted, it is likely to lead to important results. Such establishments are curses instead of blessings, when they fall into any but benevolent and patient hands; and when they are made to follow the analogies of prisons, they present the shocking and cruel anomaly of punishing those who, if responsible at all, are only lightly responsible, more severely and for longer periods than old offenders. And what is still worse, they put trifling misdemeanors on the same footing with deliberate murder. Whatever benefits have been derived from this system have been due to the personal intervention of its managers and of the State executive. Its legal position, without this, leaves room enough for gross abuses. When first organized it simply provided a separate place of confinement for persons sentenced, when under fifteen years of age,—leaving the duration of each sentence to be governed by the general laws. Now the punishment for all juvenile offenders under 16 is by seclusion until they reach their majority, unless discharged by the Board; so that in the ordinary course of things, unless interfered with, the youngest children undergo the longest term of punishment. Until this becomes legally and entirely—what it has been made partially in good hands—an asylum and not a prison, its position cannot but be regarded as dangerously peculiar.

A most valuable and humane scheme was adopted in 1871, under the recommendation of

Governor Baldwin, whereby much wiser provision is made for the prevention of juvenile depravity. A law was then passed to establish a State Public School, for dependent and neglected children. This is fixed at Coldwater; and the plan, which has been well devised and carefully put in execution under the personal care of Governors Baldwin and Bagley, is apparently judicious, and well adapted to promote the welfare of the neglected young persons who are thus snatched from vicious surroundings. The appointment of State agencies to look after the cases of children charged with crime, and see that they are humanely and wisely dealt with, has added great safeguards against mischief.

A commission was also organized in 1871 for the general supervision of penal, pauper, and reformatory institutions, including also the asylums for the deaf and dumb, blind and insane. Hons. *Charles I. Walker, Henry W. Lord, Z. R. Brockway and Uzziel Putnam* as commissioners, with the efficient services of Hon. *Charles M. Croswell* as secretary, and with the active aid and sympathy of the executive, have already done great and good service in their beneficent mission. The progress of the State in works of benevolence and mercy, under the leading of its last and present Governors, has been very great, and creates a most honorable part of her history. More work of this sort has been done within the last eight years than in all her previous experience. It was

contemplated by the founders of the State, and not neglected; but within the last few years both education and humanity have received much more attention, and have been much more wisely and earnestly fostered than ever before.

In 1859, an important change was made in criminal prosecutions. Under the Constitution of 1850, grand juries had ceased to be obligatory, but had not been abolished. In 1857, a new criminal court was created in Detroit, and prosecutions were allowed to be conducted in it by information. This change was introduced by Hon. Alexander W. Buel, who had principal charge of drawing up the charter. At the session of 1859, the same gentleman introduced a bill to extend the practice into all the circuit courts. This law allowed informations to be filed in all cases when there had been a regular preliminary examination, for felonies as well as misdemeanors. Thereafter grand juries did not act unless specially ordered and summoned. The effect of this change has not been bad in most cases. Nevertheless grand juries are seldom called unless at the request of the Prosecuting Attorney. It is questionable whether any advantage has been gained beyond an apparent economy and—in some cases—an increase in expedition. The power left in the hands of prosecuting attorneys is not adequately checked. A dishonest or timid attorney has too much opportunity to abuse his powers in both directions of prosecuting and abstaining from pro-

secution. There is a strong temptation to corruption. While the system of informing has been not unwisely extended, there is no question but that grand juries, properly organized, prevent much vexatious litigation, and cause to be pursued some classes of offenders who escape by the non-action of some prosecuting attorneys. Criminal justice ought to be beyond the control of any single official. Instances are not unknown of prosecuting attorneys who have not done credit to their offices. If grand juries were called oftener, justice would not suffer from it.

During most of the existence of the State, the entire political control had been held, with respectable majorities, by one or the other of the great parties—the Whigs or Democrats. The majority of the people had usually been decidedly opposed to allowing the encroachments of slavery beyond its legal limits, but as decidedly opposed to interfering with its vested rights. The Compromise of 1850 was acquiesced in, although not in all respects approved. In May, 1854, the Missouri Compromise was repealed, and this action aroused great feeling. Soon after, in the summer of 1854, a convention was called at Jackson, of delegates from the Whig and Free Soil parties, which resulted in the formation of the Republican party. In the election that year, Kinsley S. Bingham was elected Governor, and held the office two successive terms, being succeeded by Moses Wisner. In 1859, Governor Bingham was elected United

States Senator, to succeed Charles E. Stuart. Zachariah Chandler, who had been Whig candidate for Governor in 1852, was elected to the Senate of the United States, to succeed General Cass, in 1857. General Cass was about the same time made Secretary of State under President Buchanan.

The passage of the Kansas-Nebraska Acts was followed by a series of legislative resolutions, strongly censuring those who had voted for them, and insisting on the exclusion of slavery wherever within the control of the United States. At every session the questions were discussed, and the expression of opinion was uniform and decided.

The feeling was increasing that trouble might arise from the slavery question, as the friends of that institution became aggressive. In 1859, steps were taken to make the State military system more effective, by organizing camps of instruction, and increasing the number of uniformed companies. Various gentlemen of military experience devoted time to making addresses and visiting the principal towns, to arouse a military spirit. Among those particularly energetic in this work was General Orlando B. Willcox, who, while discreetly avoiding all reference to the peculiar danger which he had recognized from his army experience, was quite successful in awakening popular feeling in favor of better preparation for such emergencies as might arise. In 1860, when the signs of mischief were plainer, and the public feeling was



strongly aroused, Governor Austin Blair, who was on the same ticket with Mr. Lincoln, obtained a majority of more than 20,500 over Governor Barry, who was his only opponent.

The Legislature of 1861, which was very strongly Republican, met under unfavorable circumstances for State prosperity. John McKinney, the outgoing State Treasurer, was found to have embezzled the public funds, and left the treasury empty, and liable for large outstanding and pressing debts. John Owen, the incoming Treasurer, at once made arrangements, by the use of his personal credit, whereby he kept the treasury in funds until provided from ordinary sources in due course of business, after a delay of some months. The Constitutional restraints on borrowing left no means of raising funds on bonds. This patriotic course saved the State credit, and enabled the State soon after, when a war-loan was needed, to borrow upon fair terms.

The Legislature of 1861 was occupied, during a large part of the regular session, with the discussion of the affairs of the Union; and on the 2d of February passed resolutions asserting the supremacy of the Union, and its right and duty to resist treason, and pledging the resources of the State in the public service. As soon as the Southern secession ordinances were passed, the Legislature directed the immediate raising of two regiments for service.

Shortly thereafter the war opened by the attack on Fort Sumter, and Governor Blair at once raised a loan from private subscribers and began to organize volunteers,—the first regiment called for by the general government being speedily equipped under the command of General Willcox. An extra session was called, which met in the beginning of May, and passed the necessary laws for raising money and troops. But before its meeting four regiments of infantry and a battery of flying artillery had gone into camp, and the First Regiment left for the seat of war on the 13th of May, fully armed and equipped, and was engaged in the unfortunate battle of Bull Run, where its colonel was wounded and captured, and afterwards detained in the Richmond prison as a hostage. From that time on, the State kept organizing and preparing troops in advance of the calls from the United States, and was well sustained in its efforts. The military history of the State is honorable, and has been thoroughly and carefully prepared. It is only necessary here to say that its troops in the field numbered 90,747, of whom 67,486 were born in the United States; 8,887 in Canada; 8,453 in Great Britain; 4,872 in Germany, and 1,268 in other foreign dominions; and that of these 13,405 died in service. It would be invidious to single out names where all were honorable. The State furnished her full share of men in high as well as lesser commands, and her soldiers of all grades

won a well deserved respect and renown for bravery and other good and soldierly qualities.

Our own borders were somewhat annoyed by the gathering of Southern refugees and agents on the Canada side of the Detroit River. Reports, more or less founded in probability, were received from time to time of projected mischief. On the 19th of September, 1864, the steamboat Philo Parsons left Detroit for Sandusky, taking on board at Sandwich and Amherstburg several persons with what was supposed to be baggage, but was really a supply of weapons. This expedition was intended to cooperate with another force designed to capture the armed steamer Michigan at Sandusky, to release the rebel prisoners at Camp Johnson near Sandusky, and then to commit depredations on the lake cities. The designs on the Michigan having failed, the Parsons was brought back to the Detroit River, and left at Sandwich in a sinking condition from various injuries. The mischief was arrested by timely action, and the vessel refitted. During the raid some other captures were made of United States soldiers and of the steamer Island Queen. On the failure of the plot at Sandusky, the persons on board the boats were safely landed, and no lives were taken. This was the only scheme which produced any actual damage, unless a few incendiary fires were set by some of the same parties, which is not absolutely known.

From the opening of the war until the close of the year 1864, Austin Blair was Governor of Michigan, and performed his public duties with zeal and devotion, to the great prejudice of his private interests. During all that period his whole time was necessarily given up to the interests of the country, and almost entirely at his own expense. The salary of \$1,000—a miserable pittance at any time—was made by war-prices, and the depreciation of currency, but a mere fraction of its ordinary value. The policy which prevents men of modest means from filling the offices of State is not only poor economy, but contrary to the cardinal principles of representative government.

His successor, Governor Crapo, was also a very conscientious and valuable public servant, and his careful supervision saved the State from mismanagement in some of the multitudinous contracts which require almost the eyes of Argus to watch them. His great business experience and strict economy and integrity induced him to give a degree of personal supervision to the details of road-building and other outlays, which was more than any one man could devote to such work without injury to himself. His untimely death was owing to neglect of his health in attending to the details of public affairs. He no doubt carried this attention to details to excess,—as other persons could and should have borne a share of the burdens. It is not the duty of the chief executive

to perform every variety of public service, and it is impossible to do it. But that sort of devotion is not so much to be deprecated, as it is to be praised, unless it prevents due attention to more peculiarly personal obligations, which it never did in Governor Crapo's case. Both he and Governor Blair were well seconded in most of the State business by competent heads of departments, and other assistants.

In the year 1857, in pursuance of the Constitution, a separate Supreme Court was provided for, to be organized on the first of January, 1858. Its four terms were originally divided between Detroit and Lansing, but are now held entirely at Lansing. George Martin was the first chief justice, and Randolph Manning, Isaac P. Christiancy and James V. Campbell associate justices. Judge Martin was chief justice until his death, in December, 1867. After that time the office was made to fall upon the justice whose term was next to expire, so as to change every two years. Judge Manning died on the 31st of August, 1864, and was succeeded by Thomas M. Cooley, who, by repeated re-election is still on the bench. Benjamin F. Graves was elected in the place of Judge Martin, and is still in office by re-election. Judge Christiancy was elected to the United States Senate, in January, 1875, and Isaac Marston was chosen as his successor. Judge Campbell is yet a member of the court.

This relieved the circuit judges of appellate duties. The circuits have been divided repeatedly

and increased in number to twenty-one. The Upper Peninsula has been brought within the circuit system. In 1859, provision was made there for county prosecuting attorneys, and the office of district attorney abolished. By some curious manoeuvre, the act whose title was "An Act to abolish the office of District Attorney for the Upper Peninsula, and provide for the election of Prosecuting Attorneys of the several counties therein," while by the two earliest sections it made provision for the prosecuting attorneys, contained a third section declaring that the office of district attorney should not be abolished. As under the Constitution no part of an act can be repugnant to its title, this created a muddle, which seems to have been supposed to need further legislation. In 1864, another law was passed abolishing the office without ambiguity.

Governor Bingham was elected to the United States Senate in 1859, and died in office in 1861. In 1862, his place was filled by Jacob M. Howard, who was succeeded, in 1871, by Thomas W. Ferry, the present presiding officer of the Senate. Mr. Howard was a man of great force and intellectual resources, and was second to none of his Senatorial associates in the qualities desirable for his position. To vigorous and manly eloquence he united habits of laborious and profound research, and tenacity of purpose. His ability in the arraying of facts and discussion of evidence has seldom been equalled, and his great powers of reasoning were made more effective by a style

which was weighty without losing its vivacity, and polished and enriched with learning, while entirely free from meretricious ornament. His death was a loss to the whole country. His colleague Mr. Chandler, the present Secretary of the Interior, obtained credit for his Senatorial services, especially during the war, and was twice re-elected.

The principal political occurrences during Governor Crapo's time were the attempted revision of the Constitution, and the contest which he carried on against the dangerous and unconstitutional attempts of the Legislature to authorize railroads to be subsidized by county and other municipal aid and taxation. The early experience of the State had induced the framers of the Constitution of 1850 to peremptorily confine the business of building works of internal improvement to private enterprise; but for a time there appeared to be a notion that railroads could not be too dearly purchased, whether capable or not of any remunerative use, and contractors and builders, who were the only persons really benefited in many cases, endeavored to saddle their schemes on the public treasuries. The plan was not only illegal, but as dangerous as most illegal schemes always turn out. The collapse of a majority of the secondary railroads has shown on a small scale the utter ruin that would have befallen the people if these attempts had gone as far as it was desired to drive them. These schemes were pushed through the Legislature

against the opposition of the governors, who were called on to consider them, and the executive objections were sustained by the Supreme Court, which held the laws void. Every constitutional amendment which has sought to validate them has been rejected.

A Constitutional Convention was held in May, 1867, and its labors lasted through the summer. It was composed of able men of both parties, and its work was done carefully. The proposed constitution contained several new provisions, upon which there had been no popular agreement. It was defeated by an enormous majority, composed in great measure of the aggregate of the opponents of single parts of the instrument, which were not all obnoxious to the same objectors. The same fate has befallen every attempt to submit amendments together and not separately. It is entirely manifest that the faults of the present Constitution are found in some of its details and specific provisions, and not in its general plan. Single amendments have passed and will probably pass hereafter on their own merits. But every one can now see that the people are not disposed to allow a good amendment to carry through one which they disapprove. Logrolling and swapping measures are more easily carried through select bodies, than through a popular election.

The last attempt at revision was at the extra session of 1874. A commission selected by the Governor had sat during the previous year to



devise amendments. They prepared a series of articles which amounted in effect to a revised constitution. The members were well chosen, without distinction of party, and many, if not most of their suggestions, were generally approved. Others were not as well received. Their work was adopted with some changes, by the Legislature, and submitted to the people as a whole, except as to a small portion voted on separately. This was also decisively rejected. In addition to other objections, which were probably the fatal ones, there was a feeling among many that the Legislative function of proposing amendments did not extend to framing a revision of the whole constitution, or of considerable parts of it, and that a constitutional convention should be representative and not appointed. Among other propositions, one to give the right of voting to women, was presented separately, and defeated by a large majority.

In 1863, the United States made large grants to the several States for agricultural and military education. The State of Michigan accepted the grant, and applied it in aid of the existing Agricultural College. This was thereby put on a better footing; and has become a useful institution, with a promise of more utility in the future, as the value of the necessary preliminary experiments becomes more thoroughly tested.

In 1859, the business of making salt began to assume importance. The discovery of rich wells,

and the economy of connecting the work with the steam saw-mills, thus economising labor and fuel, led to the creation of a very extensive industry particularly on the Saginaw River. In some of the borings the discovery of mineral springs, valuable for curative properties, has led to still more profitable results, and opened pleasant places of resort.

The extension of roads has facilitated the business of lumbering, and the country is being rapidly despoiled of its pine and hardwood timber. The frequent prevalence of extensive fires has furnished some reason for the voluntary destruction, for lumber, of what might be otherwise lost. The year 1871, which witnessed the burning of Chicago, was peculiarly fatal to the northern woods, and immense tracts were rendered valueless, or greatly diminished in value by the fires. The rapid settlement of the Lower Peninsula has led to the removal of woods from the greater part of its southerly moiety, and the effect on climate and streams is very marked, and prejudicial. The moisture which was once retained by the vegetation and shade, and tempered the air, now runs off rapidly, and without soaking into the ground. Streams have dwindled and disappeared, and the country often suffers from drought, while it is believed to be much more exposed than formerly to extreme cold.

After the war was over, and when the fever of speculation began to abate, the State settled

down again to quiet ways. Within the last ten years the public interest has been more and more directed to things of permanent importance, and valuable executive suggestions have been carried out in the broad and liberal spirit which prompted them. Much more attention has been paid to education and philanthropy. New asylums have been planned, the University and other schools have been aided, prisons have been improved and remodelled, and progress has been made in the highest work of civilization. The State has become populous and wealthy, and able to carry out any proper schemes.

In 1871, preparation was made for building a permanent Capitol. After much examination and reflection plans were adopted and contracts let. The corner stone was laid in 1873. A superintending board, consisting of Messrs. Shearer, Chapoton and Grosvenor, have had constant supervision of the work, which will be finished in 1877. Mr. Myers, the architect, and Messrs. Osburn, the contractors, have planned and built thus far a beautiful and satisfactory building, in which no unsound material has been placed, and into which all the funds appropriated have honestly entered. When other communities have been so badly cheated in such enterprises, it is certainly worth recording that Michigan has been served with strict integrity.

The poverty of the State for many years made it necessary to use more than common economy

in all its expenditures. This necessity not only prevented the earlier building of a Capitol, but the accumulation of an adequate library. Some of the earlier purchases of books were very judicious and valuable, but neither space nor means existed for placing the library in proper condition. Since it has become certain that books if purchased will be preserved and made accessible, a great change has taken place, and the present collection is already assuming importance. By a careful system of exchanges, the Law Library has become very complete in American Reports, and fairly supplied with other English and American publications, and is constantly improving. The General Library is also advancing rapidly. Governor Baldwin while in office ventured upon what was then the untried experiment, of appointing a lady, Mrs. Harriet A. Tenney, to be State Librarian. Her nomination was cheerfully ratified, and the choice has been abundantly justified by the result. The neatness and care with which the library room and its contents have been arranged and kept, and the quiet and decorum prevailing, are in themselves a great advantage, not always found in State libraries. The Librarian has shown a thorough knowledge of books and their selection, and an enthusiastic desire to make her charge a literary treasury. A department of American antiquities, and valuable relics has also been planned, and some collections already made of documents, pictures, and other things of historical

value, not least of which is the Roll of Honor of the Michigan Soldiers who died in the Rebellion. The wisdom of choosing a competent woman to such an office has been recognised in some other libraries in the State, which have also been fortunate in securing the right persons to act for them. No one doubts that such places furnish appropriate and legitimate scope for feminine tact and accomplishments.

There is one matter in which the State has no cause for self-gratulation. The Constitution of 1850, instead of leaving official salaries to be determined by the Legislature, as changing circumstances might require, fixed the pay of all the principal executive and judicial officers permanently, and at very low rates. There are few if any of these persons who receive as large pay as their own subordinates, or who can afford to devote their whole time to their official duties. It is remarkable that this state of things has not led to greater mischiefs than have befallen the commonwealth from it. Since Mr. McKinney's time the treasury has been in the hands of competent and wealthy men, whose services have been practically almost gratuitous, but have been faithful and valuable. The Auditor General's office has been, so far as is known, entirely above suspicion. The management of public lands has on some occasions been questioned. Frauds have been committed against the State by persons purchasing lands, and it has been imagined that they were

not committed without the misconduct of some one in the department. The impeachment of Mr. Edmunds, the Commissioner, in 1872, while it was not followed by his own conviction upon charges of crime, indicated that there had been a course of business in the office which was not conducted on proper business principles, and which needed, as it has received, amendment. The penurious system which prevailed prevented that thorough and systematic management imperatively required by so important a branch of the public service, and the property squandered very much exceeds the money saved. In general the incumbents have rendered good service without adequate pay. But it is not good policy to make it difficult for a faithful officer to hold office without great personal loss. Where the fixing of salaries has been left to the Legislature, they have never been extravagant. The disposition to suspect Legislative bodies of liability to sinister influences in such matters is absurd. If corruption is dreaded, and if they are not to be trusted where it is possible, they may as well be abolished at once. The general power of legislation affords infinitely more room for misconduct than that which relates to a few offices. When the representatives of the people are to be presumed unfit for their responsibilities, republican government must cease. It cannot exist without honesty, and it must be presumed, as it is true, that honesty is usually to be found. The wisest constitutional restrictions are

intended to prevent haste and misjudgment, and honestly intended encroachments tempted by peculiar circumstances. They seldom, if ever, are designed to indicate a distrust in personal integrity. It is very much to be hoped that the people will soon become convinced that honest work should be honestly paid, and that a generous confidence, rationally guarded, is safer as well as more creditable than perpetual distrust.

This year, of so much interest to the people of the United States, finds Michigan furnishing a hopeful illustration of the results of the experiment made a hundred years ago. She was then governed by martial law, with few people, and but one civil settlement. For twenty years after the Declaration of Independence, she remained under British control, and was intended to be reserved as a refuge for savages and a haunt of beasts of the chase. A few years later she fell again for a short time under the same governance, as much to the surprise of the captors, as to the disgust and rage of the surrendered. But with the recapture came the beginning of progress. Multitudes of the Revolutionary patriots and of their children came westward, to enjoy the inheritance, earned by the struggle for independence. The laws and customs of the new land were fresh copies of those of the older colonies, changed only where change was needed. In every village churches and schools stood foremost in the estimation of the people, and ignorance, idleness and immorality, were under the ban.

The beginning of our existence as a State was rendered unfortunate by the mistaken notion that wealth and capital could be made up out of confidence, instead of patient industry. The land was rich and lay directly in the pathway to the further west, where the unerring instincts of our wandering race have always led them in search of empire. The future was sure, but too uncertain in date to be wisely discounted. No one then dreamed of the shortening of time and space by improved railways and telegraphs, nor was there any confidence in the quick passage of the ocean by steam, whereby it has become possible to crowd and multiply immigration faster than the country can absorb it. And yet in a vague way the hopes of the new settlements kept up with all the possibilities.

Many people are yet living who remember well the whole course of the Territory. Very many more are familiar with all the fortunes of the State. The population which would not have crowded a large village has now extended beyond a million and a third. The improved lands exceed five and a half millions of acres, and there are more than 113,000 farms occupied almost entirely by owners and not by tenants. Besides agricultural products, the products of industry include lumber, copper and iron, and all the shapes in which they may be wrought, as well as sugar, fish, salt, and an infinite variety of manufactured articles. The railroads in the State exceed 3,700



miles, at a cost of more than 140 millions of dollars, in view of which the five million loan, which was such an incubus on the State, appears very insignificant. The ordinary school houses represent a value of \$9,000,000, and the annual school expenditures approach \$3,500,000. The bonded debt of the State is less than \$1,600,000—less than \$1.20 for each person.

During the whole period of the State existence there has been unbroken peace with her neighbors, and, since her admission into the Union, no quarrel with any other State. No capital sentence has been executed during this time. There has been no general famine, and no very fatal epidemic. Political rancor has not degenerated into treason or sedition, and serious riots have been rare and confined with narrow bounds. Only one State officer has been convicted of malversation in office, and only one more has been put upon his trial.

The people are thoroughly American in their habits and sympathies, attached to their State and attached to the Union. They have gained their prosperity by constitutional liberty, and they recognise in the preservation and enforcement of constitutions and laws their best safeguards against the dangers that beset a civilized commonwealth.

THE END.



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